

2026 Bill 205

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Second Session, 31st Legislature, 4 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 205

## NON-DISCLOSURE AGREEMENTS ACT

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MRS. JOHNSON

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 205**

2026

### **NON-DISCLOSURE AGREEMENTS ACT**

*(Assented to , 2026)*

HIS MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Interpretation**

**1(1)** In this Act,

- (a) “non-disclosure agreement” means a settlement agreement, or a part of a settlement agreement, between a respondent and a relevant person in respect of sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation that
  - (i) prohibits or restricts the relevant person from disclosing information about the sexual misconduct or sexual exploitation experienced, or alleged to have been experienced, by the relevant person, or
  - (ii) prohibits or restricts the relevant person from disparaging the respondent, if the purpose or effect of the prohibition or restriction is to conceal details relating to the sexual misconduct or sexual exploitation experienced, or alleged to have been experienced, by the relevant person;
- (b) “relevant person”, in relation to sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation, means the individual who experienced, or alleges that the individual experienced, the sexual misconduct or sexual exploitation;

- (c) “respondent”, in relation to sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation, means
  - (i) the individual who committed, or is alleged to have committed, the sexual misconduct or sexual exploitation, or
  - (ii) a responsible person in relation to the sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation;
- (d) “responsible person”, in relation to sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation, means a person who has a legal obligation to take reasonable steps to prevent sexual misconduct or sexual exploitation at the place where the sexual misconduct or sexual exploitation occurred or is alleged to have occurred;
- (e) “settlement agreement” means an agreement, however described, between two or more parties that disposes of one or more issues in dispute between the parties;
- (f) “sexual exploitation” has the same meaning as in the *Protection of Sexually Exploited Children Act*;
- (g) “sexual misconduct” means each of the following:
  - (i) an act or comment of a sexual nature that a person knows or ought reasonably to know is unwelcome, including
    - (A) a sexual solicitation or advance,
    - (B) a sexually suggestive remark, joke or gesture,
    - (C) the circulation or sharing of an inappropriate image, and
    - (D) physical contact, including threatened, attempted or actual touching of a person’s genitals, anus, breasts or buttocks, of a sexual nature;
  - (ii) an act or comment that could reasonably be perceived as placing a condition of a sexual nature on employment or

a term or condition of employment, including an opportunity for training or promotion;

- (iii) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

(2) In this Act, a reference to a non-disclosure agreement is considered to include a non-disparagement agreement if the non-disparagement agreement has the effect or purpose of concealing details relating to sexual misconduct, sexual exploitation or an allegation of sexual misconduct or sexual exploitation.

#### **Non-disclosure agreement restrictions**

**2(1)** A respondent must not enter into a non-disclosure agreement with a relevant person.

(2) An agreement between a respondent and a relevant person is void to the extent that the agreement contravenes subsection (1).

#### **Agreement prohibited**

**3(1)** A responsible person must not enter into an agreement with a person who committed, or is alleged to have committed, sexual misconduct or sexual exploitation, for the purpose of restricting or otherwise prohibiting any person from making a disclosure, complaint or participating in an investigation under the *Employment Standards Code*, *Occupational Health and Safety Act*, the *Alberta Human Rights Act*, the *Workers' Compensation Act*, another enactment of Alberta or an enactment of Canada.

(2) An agreement entered into in contravention of subsection (1) is void.

#### **Rights cannot be waived**

**4** This Act applies despite an agreement to the contrary, and any waiver or release of the rights, benefits or protection provided by this Act is void.

#### **Application**

**5(1)** Sections 2(2) and 3(2) apply to a non-disclosure agreement entered into before or after this Act comes into force.

(2) For greater certainty, sections 2(1) and 3(1) only apply after this Act comes into force.

#### **Offence**

**6(1)** A person who is an individual and contravenes section 2(1) or 3(1) commits an offence and is liable to a fine of not less than \$2000 and not more than \$10 000.

(2) A person who is not an individual and contravenes section 2(1) or 3(1) commits an offence and is liable to a fine of not less than \$10 000 and not more than \$50 000.

(3) If a corporation commits an offence under this Act, an officer, director, shareholder, employee or agent of the corporation who directs, authorizes, permits or participates or acquiesces in the commission of the offence commits the same offence, whether or not the corporation has been prosecuted for the offence.

### **Regulations**

7 The Lieutenant Governor in Council may make regulations defining terms used but not defined in this Act.

### **Review of Act**

8 By September 1, 2031 and every 5 years after that date, a special committee of the Legislative Assembly must begin a comprehensive review of this Act and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

## Related Amendments

### Amends RSA 2000 cP-30.3

**9(1)** The *Protection of Sexually Exploited Children Act* is amended by this section.

**(2)** Section 1 is amended

**(a)** in subsection (1) by adding the following after clause (g):

- (h) “sexual exploitation” includes the act of coercing, luring or engaging a child, with or without the child’s consent, into a sexual act or involvement in the sex trade, including prostitution or child sexual abuse and exploitation material as defined in the *Criminal Code* (Canada), in exchange for
  - (i) money,
  - (ii) a controlled substance, as defined in the *Controlled Drugs and Substances Act* (Canada),
  - (iii) shelter,
  - (iv) food,
  - (v) protection,
  - (vi) affection,
  - (vii) perceived love or belonging, or
  - (viii) other necessities of life.

**(b)** by repealing subsection (2) and substituting the following:

- (2)** For the purposes of this Act, a child is in need of protection if the child is subject to sexual exploitation.

### Coming into force

**10** This Act comes into force on September 1, 2026.

## Explanatory Notes

**9(1)** Amends chapter P-30.3 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1(1) In this Act,*

*(g) “protective safe house” means premises prescribed by the Minister as a protective safe house.*

*(2) For the purposes of this Act, a child is in need of protection if the child is sexually exploited because the child is engaging in prostitution or attempting to engage in prostitution.*

**10** Coming into force.

