

PRACTICE FOCUS: EMPLOYMENT LAW

Office romances are fine — until they go bad

Commentary by Ria Chattergoon

Nora Roberts said, "Love and magic have a great deal in common. They enrich the soul, delight the heart. And they both take practice."



Chattergoon

But love and the workplace? Well, that is a different ballgame.

When co-workers spend most of their waking hours together, it almost always creates a strong bond. Co-workers have several apparent things in common that draw them together, not the least of which is the

When they find that they root for the same team, love James Bond movies and are partial to red wine from California, it is a formula for romance.

Take those mutual interests and insert technology that now links employees together 24/7, it is not unusual for work friendships to develop into something more. And quickly.

While the romantic in each of us loves a great love story, employers must consider the possibility that relationships can be developed among office colleagues. Instead of

ignoring office romances, employers should take action in advance to prevent unhappy — and often ugly — repercussions.

Most companies have written policies that discourage managers from dating peers. They often have even stronger rules forbidding manager and subordinate employees from fraternizing in ways that could lead to romance. The concern here is that this might lead to sexual harassment claims and conflicts of interest. And further, office romance — or even worse, break-up — can often cloud the judgment of even the most experienced workers. While these policies may seem like the answer, when love and magic are at play, employers are almost always guaranteed to lose.

Another tool employers may want to consider is a love contract.

A love contract is a written document that confirms that two employees' romantic relationship is completely voluntary. When used correctly it can help reduce the possible ramifications of romantic entanglements — i.e., future litigation. The



legitimate fear for employers is concern about being held liable if a romance goes south and one party claims he or she was unable to end the relationship without fear of on-the-job retaliation, including harassment and job threats.

While love contracts are not agreements in the legal sense, they require the involved employees to acknowledge that the relationship is consensual and that they entered into it voluntarily and without coercion. And while a love contract will not prevent litigation, it will assist on an employer's defense. Thus, they should be used sparingly and only in appropriate situations. This dispels the notion that such relationships are always company approved.

Whatever policy your company may or may not have with respect to workplace romance, it is imperative that management understand and deal with the many issues surrounding the workplace. Having a policy that governs romance in the workplace, if implemented properly and enforced consistently, has significant benefits. If not, your company — and your employees — may find itself in a bad courtroom drama where the evil magic comes alive!

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