



Valentines Thoughts about Workplace Love Contracts

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Problem: A recent survey revealed that approximately 40 percent of U.S. workers have dated fellow employees, and another 40 percent would consider doing so. Inevitably, most workplace relationships end. Some end badly, and many of those result in lawsuits involving claims of coercion or retaliation, even though most of these relationships are completely consensual at the outset. In response to litigation arising from workplace relationships, many businesses have implemented nonfraternization policies designed to prohibit or discourage workplace relationships. But these no-dating policies have had limited effect. According to the same survey, 84 percent of U.S. workers have no idea whether their employers have such policies or think it has chosen not to institute one.

Solution: In response to the limited effectiveness of these policies, many companies have developed employee relationship acknowledgements, otherwise known as "love contracts," in which employees in a relationship make certain disclosures to the employer. A love contract, when properly implemented, can serve as a powerful deterrent to future litigation. Although the precise language will vary, an effective love contract should contain the following disclosures:

- The relationship is consensual and not based on intimidation, threat, coercion or harassment;
- The employees have received, read, understood and agree to abide by the company's policy against harassment and discrimination;
- The employees agree to act appropriately in the workplace and avoid any behavior that is offensive to others;
- The employees agree not to let their relationship affect their work or the work of their co-workers;
- Neither employee will bestow upon the other any favoritism or preferential treatment;
- Either employee may end the relationship at any time, and no retaliation of any kind will result;
- The contact information for the person in human resources (should either employee feel the relationship is affecting his or her work); and
- The employees have had sufficient time to read the document and ask questions before executing it of their own free will.

Love contracts, when properly implemented and appropriately drafted, will reduce the likelihood of litigation arising from workplace relationships. In the event of litigation, an effective love contract will help lessen the chances of misunderstandings or even lawsuits, and bolster a company's defenses in the event one is filed.

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Richard R. Meneghello
Chief Content Officer
503.205.8044
[Email](#)