

## SUPERVISOR-SUBORDINATE RELATIONSHIPS: NEVER A GOOD IDEA

Publication  
Sep 3, 2012

(Labor Letter, September 2012)

Since many people spend most of their waking hours at the office, and often spend more time with coworkers than family members, it's not unusual for workplace romances to blossom. But if that romance is between a supervisor and a subordinate, it could easily be a disaster waiting to happen. In fact, a prime example of how things can go south recently arose in Oregon's House of Representatives.

### A HOUSE IS NOT A HOME

Matt Wingard (R) has been an elected representative in Oregon's House since 2008, representing a district spanning from southeastern Washington County to southwestern Clackamas County. Wingard, 39 years old and unmarried, was recently accused of misconduct by a former aide who says she was pressured into engaging in a sexual relationship with him. The woman, who was 20 years old at the time, pointed to sexually-explicit text messages between the two, and now alleges that Wingard furnished her with alcohol when she was minor.

When the story broke, he admitted a consensual relationship, but denied providing her with alcohol when she was a minor. Their relationship only lasted three weeks, but those three weeks have already proven very costly for Wingard. First, he was forced from his post as deputy Republican Leader of the House when the allegations broke. Later, he was stripped of his co-chairmanship of the House Education Committee.

### Related People



**Richard R. Meneghello**

Chief Content Officer

[503.205.8044](tel:503.205.8044)

Finally, as the breadth of the scandal grew and his support dwindled, Wingard announced that he was dropping his reelection bid and would be leaving the House at the end of his term. Some speculate that if further damaging allegations arise, Wingard may be forced to leave the legislature even sooner. What was once a promising political career has been destroyed because of a short-term but very ill-advised liaison.

I would hazard a guess that most managers reading this article for guidance are not elected representatives who stand to lose their political careers, and I would also assume that most employers reading this to determine how to manage their workforces will never endure a scandal that reaches the front pages of the news.

Still, a workplace romance gone sour – especially between supervisor and subordinate – can be a legal and practical nightmare for all involved, and there are certainly lessons to be learned from the Wingard affair. I will try to spell out the most likely scenarios here for the doubters.

## **IT AIN'T OVER TILL IT'S OVER – AND MAYBE NOT THEN**

I think we can all agree that romantic relationships can have one of two outcomes – they can either end, or they can continue. In the case of a supervisor-subordinate relationship, it can cause legal headaches even if it blissfully continues. That's because peers of the subordinate, or even non-affected employees, can still take legal action against the company as a result of the relationship. A coworker who perceives favoritism between the romantic pair can claim to a court, "Well, it was obvious to me that the only way to succeed at the company was to sleep with your boss, and I'm not going to do that, so I'm suing."

Even if that is incorrect, try proving a negative in a court of law. Further, imagine the other applicants for the subordinate's position – they might later learn of the relationship and sue the company claiming that the manager only hired the subordinate because of an intended romantic relationship. And this isn't even mentioning the morale issues that could result from this type of relationship, and even the perception that might start inside and outside the company that the subordinate isn't necessarily qualified for the position but only retains the role because of the romantic

link. That could unnecessarily and unfairly put a damper on someone's career.

And, on the other hand, the stark reality is that most romantic relationships end. And many end poorly. If the supervisor dumps the subordinate, that person will be both a jilted lover and a disgruntled employee, ready to spin any story for his or her own financial gain. That person could claim that they were forced into the relationship against their will, that they were either expressly or implicitly told that they needed to engage in sex in order to keep their job or advance in the company.

Even if the relationship ends in a mature and polite manner, it only takes a change in job status months later for the subordinate to change their tune and invent a story about how they felt pressured into a relationship. And if the subordinate dumps the supervisor, that supervisor might react in an immature and irresponsible manner common among spurned lovers– sending text messages, emails or voice mails pleading for a return. What may be considered romantic by some might be considered creepy by others, and those messages could turn up as evidence in a lawsuit demonstrating the inappropriate pressure now being laid upon the subordinate.

## **THE BOTTOM LINE**

These are just some of the ways in which supervisor-subordinate relationships could end up damaging your company. You could and should ensure that your company policies prohibit such relationships, and you should train your managers about the policy and the reasons to avoid this problem.

If you learn of such a relationship, perhaps through self-identification, take immediate steps to ensure that the chain of command is broken somehow through transfer of responsibilities (but, of course, making sure that the junior employee isn't forced from a role that they could later claim as retaliation).

*For more information contact the author at [RMeneghello@laborlawyers.com](mailto:RMeneghello@laborlawyers.com) or (503) 242-4262.*

This article also appeared in the July 5, 2012 issue of [The Daily Journal of Commerce](#).