



Love Is In The Air...

Insights

6.01.13

(Labor Letter, June 2013)

Nora Roberts said “Love and magic have a great deal in common. They enrich the soul, delight the heart. And they both take practice.” Love and the workplace, however, well, that is a different ball game.

When coworkers spend most of their waking hours together, it almost always creates a strong bond. Coworkers have several apparent things in common that draw them together, not the least of which is the office itself. When they find that they root for the same team, both love James Bond movies, and are partial to red wine from California, it can be a formula for romance. Take those mutual interests and insert technology, which now links employees together 24/7, and it’s not unusual for work friendships to develop into something more...and quickly.

While the romantic in each of us enjoys a great love story, employers must consider the possibility that relationships can be developed among office colleagues and take action in advance to prevent unhappy – and sometimes ugly – repercussions.

Putting Things In Writing

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

A 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, that they entered into it voluntarily and without coercion, and that they are aware of – and will abide by – the company’s no-harassment policy.

Although a love contract may not prevent litigation, it can certainly help an employer's defense. They should be used sparingly and only in appropriate situations. Using them sparingly dispels the notion that such relationships are always company approved.

Happy Endings Not Always Assured

Whatever policy your company may or may not have with respect to workplace romance, it's 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, you and your supervisors may find yourselves in a courtroom drama, which may not have a happy ending!

For more information contact the author at RChattergoon@laborlawyers.com or (954) 525-4800.