



THE WORKPLACE WORD

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What's Love Got To Do With It?

Dealing With Workplace Romances.

Just in time for Valentine's Day, this issue of the Workplace Word addresses workplace romance. See if this sounds familiar...

One of your employees, Supervisor Jane, shares with you the latest rumor: another employee, Supervisor Jim, is currently dating an employee whom he directly supervises. Jane, happy to throw Jim under the bus, says that everyone in Jim's department knows about the romance because the two got into a big fight last week right after Jim conducted his department's performance evaluations. You track Jim down to ask him about the situation, and he admits to having the relationship, but states he now feels "uncomfortable" about the whole thing because he knows he needs to terminate his love interest based on her poor performance. Jim then asks, "What's the company's policy on things like this?"

Given that most people spend the majority of their waking hours with coworkers, coupled with the bonding that typically occurs at work, romance in the workplace is sure to flourish. As an employer, failure to treat employees equally is one of the quickest ways to find yourself in a courtroom. Even the appearance of impropriety is a problem that rivals actual inequitable treatment. This is why workplace romances present such a thorny problem for managers.

The best way to deal with the issue of workplace romance is to do so before any romances exist. Failure to have adequate policies and procedures in place is one of the primary catalysts to employment discrimination and harassment lawsuits.

Vertical Romances

Your "love" policy should prohibit supervisors and subordinates from engaging in any kind of romantic relationship. This prohibition should include anyone in the supervisory employee's direct chain of command. Supervisors are typically defined as anyone who can materially alter the terms and conditions of employment.



Why so strict? A workplace romance between a supervisor and a subordinate could prevent the supervisor from appropriately reviewing the subordinate's work; keep the supervisor from acknowledging or investigating complaints about the subordinate; and invite complaints to management about the apparent preferential treatment given to the subordinate based on the romantic relationship. The appearance of preference and/or impropriety will always be inferred. Allowing supervisor-subordinate romantic relationships opens your company up to a possible claim that the only way to keep a job or be promoted is through romantic relations with a supervisor.

If a supervisor-subordinate relationship does materialize, reassignment might be a viable option if your organization has different divisions or departments that can be used to isolate the supervisor and subordinate from one another. Allow the involved employees to choose which of them will be reassigned or terminated, with the provision that if they fail to do so, the organization will make the selection for them.

Depending on the structure of the company, another option is to have supervisors recuse themselves whenever a decision involves a subordinate with whom they are involved romantically. This may be advantageous in smaller agencies with a smaller chain of command and where attempting to separate or replace the employees can be difficult or impossible.

Keep in mind, however, the risks involved in this type of policy. Having a system where a supervisor or manager must remove himself from the decision-making process, or have a second level of management sign off on

decisions, *might* diminish exposure to liability, but *will* make it more difficult to operate on a daily basis. If you decide to implement this type of policy, it should cover any area where discretionary decisions are made, including, but not limited to: scheduling, base assignments, promotions, discipline and dispute resolution.

Romances in the Ranks

A good "love" policy will also address consensual romance between employees where there is no supervisory relationship. To address these situations, first, ensure that your discrimination and harassment policies are up to date and have been provided, with training, to all employees. Second, "consensual relationship agreement" policy (often called a "love contract") can be considered. When relationships between consenting employees come to the attention of management, the employees should first be questioned separately to determine the nature of the relationship. Then, both employees should sign an agreement that they will follow the anti-discrimination and sexual harassment policies, behave professionally at all times in the workplace, and not engage in favoritism of any kind.

Conclusion

With all policies of this nature, there needs to be zero-tolerance. One incident of unequal treatment can be the basis for years of costly litigation, destroy careers, and tear a company apart. Make sure that all employees know the penalty for violating your "love" policy once you have implemented it and keep an open door for any questions or issues that may come up.

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