

Is That Cupid Hiding Behind That Cubicle? Dealing with Workplace Romances

Valentine's Day can make an HR person's heart flutter with thoughts of candy, Cupid, and cookies. Or, maybe that's a misdiagnosis. Perhaps it's not a fluttering heart but a pounding one, as fears of harassment claims; inappropriate workplace behavior and other similar unpleasantnesses can result from workplace romances. How should you deal with love at work?

The Problems: Let Me Count the Ways

The late night television hosts have been effective examples for the HR world. Jay Leno and Conan O'Brien have certainly sensitized us to the need for effective succession planning, severance policies, and clearly outlining job duties, confidentiality standards, and work hours. David Letterman has done the same for office romance and harassment issues. Who knew that HR could be so entertaining?

Increasingly, employees are finding dates and sometimes spouses at work. But whether workplace romances are consensual or not, the potential problems can be significant.

Romance at work can:

- Be distracting to the employees involved and those around them
- Decrease productivity
- Impact office morale
- Create communication problems
- Create bad or hurt feelings
- Be subject to ups and downs and sometimes really bad endings
- Give rise to charges of harassment
- Create a hostile environment for others
- Be disruptive, waste time and resources, and generally give HR people and managers bad headaches

The Issue: Big Brother vs. Sex in the City

How do you balance the needs of the company to avoid discrimination charges and have a productive and professional workplace with an employee's right to privacy and to create social relationships?

Some Suggestions: An Ounce of Prevention...

- Get it in writing.

Obviously a solid harassment policy is critical. But it may also be wise to include a policy or additional language regarding appropriate and inappropriate behavior involving personal relationships. What may be obvious to you may be oblivious to others. (e.g., No open affection at work, no sexy clothing, emails, or X-rated cards.) Remind employees that expected business behavior applies to business social relationships. Use specific examples of what's expected.) Make clear that your policies apply to conduct at work and during company-sponsored activities. The holiday party and alcohol have a notorious history.

Distribute the policy and train (regularly)

Some states require harassment training. Everybody should provide it, whether required or not. Training on the pitfalls of office romance are a natural part of this discussion.

- Leave the non fraternization policies to others (like the military and competing frat houses)

While some organizations would prefer to prohibit all workplace romances some state laws and certain privacy rights may not allow that approach. Employers need legitimate business reasons for prohibiting relationships, such as concerns about conflicts of interest or preventing harassment.

- Your boss should not be your Valentine

Organizations do have significant and legitimate interests to strongly discourage, or where allowed, prohibit relationships between supervisors and subordinates. These can lead to harassment claims from a subordinate who later claims s/he was pressured into the relationship and can create resentment in others. Some organizations require employees to disclose such relationships so that actions can be taken to prevent problems (e.g., reassigning one of the employees or changing a reporting relationship...in a non-discriminatory way!)

- Love Contracts

Somehow you knew that the lawyers would get involved. A few employers have attempted to limit their liability by asking romantically involved employees to sign “love contracts” where they basically acknowledge that the relationship is consensual and which also reinforces the organization’s standards and expectations regarding behavior. It’s unclear whether these are legally effective.

Be proactive

Whether you are faced with a potential harassment claim or just inappropriate behavior address the issue early. But as a good HR person or manager who already knows that. I won’t even mention the admonition to document, document, or document.

Consult your attorney

While no one wants to pay legal fees, it’s cheaper to get advice before a problem can ruin your day, Valentine’s or otherwise.

Love is All Around

Regardless of your organization’s approach to the “workplace romance problem” the issue will never go away. But a little thought, planning, and training can go a long way to address the potential negative effects or even legal consequences of Cupid in your office.

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