

FIRM NEWS

VALENTINE'S DAY IN THE WORKPLACE? EMPLOYERS SHOULD ESTABLISH POLICY GUIDELINES TO MITIGATE POTENTIAL NEGATIVE IMPACT OF AN OFFICE ROMANCE

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Valentine's Day is a few weeks away. Will colleagues at your office be celebrating...together? Anne Widlak, a partner at Detroit-based management side labor and employment law firm Nemeth Law, P.C., notes that many long-term relationships and marriages begin in the workplace and strict rules against office dating are rare.

"It would be unrealistic, not to mention ill-advised, to implement a rigid no-dating policy at work," Widlak said. "Such policies are awkward if not impossible to enforce and can introduce negativity into the corporate culture. Still, there are policy guidelines that can mitigate the risks inherent in workplace romance."

For starters, Widlak suggests having a fraternization policy that strongly discourages romantic relationships between a supervisor/manager and an employee.

"When employees become aware that a supervisor and a subordinate are dating, there is a real risk they will assume the subordinate is getting special treatment. That perception of favoritism can create morale problems and ultimately lower productivity," Widlak said. "How does the manager handle employment decisions about his or her sweetheart? And what happens when the relationship is over? That's when the real trouble can begin, especially when there are no policy guidelines."

Widlak explains that if the manager decides to end the relationship, a scorned lover may claim the relationship was never consensual but was, in reality, sexual harassment. If the subordinate breaks off the romance, he or she may claim that any negative employment decisions that follow are retaliatory. A fraternization policy aims to address those circumstances before they arise.

"When a supervisor/subordinate romance occurs, the employer's policy should require the manager to disclose it immediately. The supervisor and the employee should not be permitted to work together on the same matters, and the supervisor should have no decision-making authority with regard to that employee," Widlak said.

A fraternization policy should also address romances between coworkers of equal rank. They should be cautioned to avoid public displays of affection while at work and informed that if the relationship produces a disruptive work environment they may be subject to discipline.

When drafting a fraternization policy between coworkers, however, Widlak cautions employers to be careful with the language of the policy. Policies that merely prohibit "fraternization," without specifying that they apply to romantic relationships, could be construed as preventing coworkers from discussing their terms and conditions of employment. Such policies have been found unlawful under the National Labor Relations Act.

“The implementation of a fraternization policy cannot solve every problem that may arise from office romances,” Widlak said. “However, at a minimum it places employees on notice of what is expected of them and provides guidance to management about how to effectively handle these issues when they occur.”

About Nemeth Law, P.C.

Celebrating 25 years in 2017, [Nemeth Law](#) specializes in arbitration, mediation, workplace investigations, employment litigation, traditional labor law and management consultation/training for private and public sector employers. It is the largest woman-owned law firm in Michigan to exclusively represent management in the prevention, resolution and litigation of labor and employment disputes.