

Valentine's Day Insights on Office Romance

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys at Offit Kurman. And today in honor of Valentine's Day, we are talking about office relationships or work related relationships, I should say. It's a recent Forbes survey that noted that just over 40% of people surveyed, noted that they had married someone they met at work. It also reported that 24% have gone on a date with a colleague and 17% of employees have been in an official relationship with someone from work. So, there's some interesting stats. There's some other ones at that are part of that survey.

Obviously every survey's got some variations to it, but ultimately, point being. People meet and get married at work or, coincidentally from meeting at work. And that can create some challenges for [00:01:00] employers or the employers who are hearing that stat, I'm sure might feel a little startled by that statistic and a little apprehensive about it.

So what are things that employers should be thinking about in light of this reporting?

Russell Berger: Yeah, well, I think the number one takeaway and, it's hard to say how accurate those stats are 'cause it's always gonna be dependent on people's self-reporting. But, if You've got more than like 10 or 15 employees, you're probably dealing with this, and even if you have less than 10 or 15 employees, you might be dealing with it too. But just, if you have enough employees, like the percentages are high enough, like it's happening, within your workforce at some level. So it's something you have to deal with, you can't ignore.

And obviously the starting point for this are the laws that prevent workplace discrimination and retaliation and harassment? So, there's nothing inherently unlawful about a workplace relationship. But it can go sideways a lot of different ways and can violate the law.

Certainly you could have someone that is too aggressive about pursuing it. It could be an unrequited [00:02:00] love. And, that can lead to harassment and discrimination in the workplace, or even retaliation. Talked a lot about discrimination and quid pro quo sexual harassment.

It just can really go sideways really fast. And even when it's not in that context what we do see is, if you do everything right and it's a consent, truly a consensual relationship and consensual in a work context is, maybe a little bit harder to define.

But even when it truly is consensual, other employees might say, well, this person's getting better opportunities because they're in a relationship with and you run into that issue as well. So, the way we all often plan for this in employee handbooks is to reiterate the anti-discrimination policy, the anti-harassment, the anti-retaliation policy, and when we do address kind of consensual workplace relationships, and we wanna make sure that they don't involve any kind of supervisory relationship or people on the same team where there's a hierarchy. 'cause then you [00:03:00] just get into the issues of favoritism. Maybe you're too hard on the person you're in the relationship with as a manager because you don't want people to, think otherwise.

And now you're treating that person on unfairly. So, at bare minimum the best thing to do is to avoid office romances that involve any type of supervisory relationship.

Sarah Sawyer: Yeah, no, I think that obviously the size of a company is gonna make a difference here. It's a little bit more challenging sometimes with smaller companies versus maybe people who are in different departments or can be moved to different departments, right?

So, a lot of policies sometimes will contain reporting requirements around reporting the relationships so that the company can examine it for those types of challenges and issues. And with a larger company might be able to move some things around to, if you've got two good employees and that might be an issue of concern.

There's ways to address that. So I think really what we're highlighting here is like addressing the impact. And you can have bright line rules on these things, but a lot of times it makes more sense to [00:04:00] highlight the impact, highlight these other, making sure that there's compliance with other types of policies, conflicts of interest what you mentioned with harassment and discrimination and just other workplace policies can kind of help support how you might handle something like this.

Because especially in a bigger company, it's gonna be different depending on who the people are, what their roles are. You mentioned because of authority and reporting structure, but even just, there's a lot of different things that can play in. And so, allowing a little bit of flexibility and focusing on the impact and mitigating the risk and finding a good solution is often a way that I think a lot of employers deal with this, especially when you're looking at these stats, if these stats are accurate or close to accurate,

that could be a lot of people that, if you've got a bright line rule that you might have to be addressing throughout the years. And it might not always be the most beneficial to the company if you've got kind of just a bright line prohibition on these things.

Russell Berger: Yeah. Right. And I do think the, demographics of your workforce and in addition to the size of your workforce matter in this [00:05:00] conversation. If I were to drill down on it specifically I definitely think the supervisors probably ought to be held to a different standard.

And you gotta be a little bit more careful with that aspect of office relationship because, if everyone's in the same pool, I mean, it can still lead to, negative consequences and disrupt the workplace. But it's less problematic. It's a lower risk than if you've got supervisors that are engaging in romantic relationships with a subordinate or even, somebody who's not a direct subordinate, it might still stir the pot a little bit.

Sarah Sawyer: Yeah. And some can be industry specific as well, depending on the type of business and those things. So, good lawyer answers in this episode, Russell. It depends. But no, I think that's great.

Great guidance. I think and a main takeaway from my perspective is these things are out there, right? It's going on. So being, wanting to turn a blind eye to it and not pay attention to it is not the solution. Not that we would ever recommend turning a blind eye to something and not paying attention.

We're very much always talking about proactivity here, but, but definitely something that employers need to be thinking about.

Russell Berger: Isn't, it [00:06:00] depends one of those things they print on like the little candy hearts too. Should get those for the office.

Sarah Sawyer: We should. All right let's place an order.

All right. Thanks Russell. We'll see you next time.

Russell Berger: Thanks, Sarah.