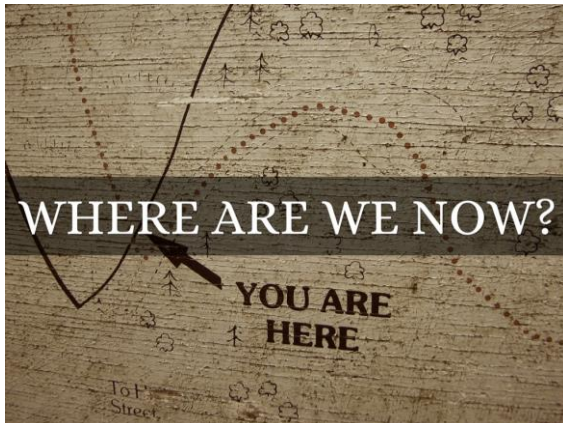


Dealing with Office Romance— From Non-Fraternization Policies to Workplace Violence

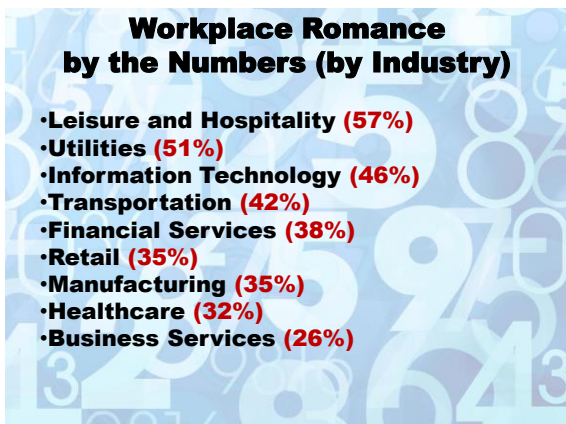














Relationships We Should Scrutinize

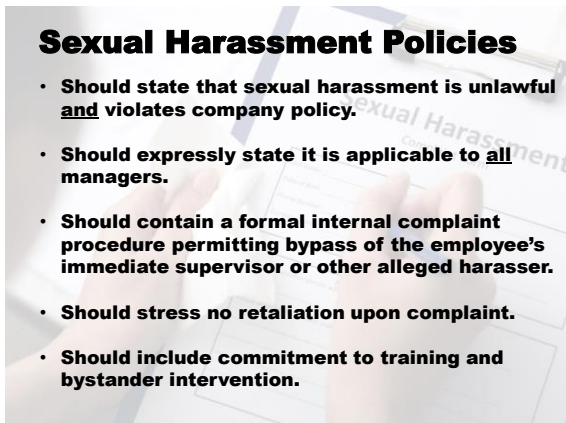
- **Relationships between Supervisors and Employees**
- **Relationships Between Co-Workers**
- *Relationships between Contractors and Employees*
- *Relationships between Vendors and Employees*
- *Relationships between Clients and Employees*
- *Relationships between Employee and Employee of a competitor*

Topics for Today

- **Sexual Harassment Policies**
- **Non-Fraternization Policies**
- **Conflict of Interest Policies**
- **Workplace Violence**
- **FIVE TIPS for Avoiding Difficult Situations**



Sexual Harassment Policies



Sexual Harassment Policies

- Should state that sexual harassment is unlawful and violates company policy.
- Should expressly state it is applicable to all managers.
- Should contain a formal internal complaint procedure permitting bypass of the employee's immediate supervisor or other alleged harasser.
- Should stress no retaliation upon complaint.
- Should include commitment to training and bystander intervention.

SEXUAL HARASSMENT POLICIES **Unwelcome vs. Consent**

“Welcome” is not the same as **consent or voluntariness**. An employee may consent to sexual conduct, but not welcome it.

Only **unwelcome** conduct can be sexual harassment. **Consensual dating**, for example, is not harassment if it is **welcomed** by the persons involved.

SEXUAL HARASSMENT POLICIES

Quid Pro Quo

Quid Pro Quo harassment occurs when:

- (1) employment benefits are made contingent on the provision of sexual favors;
- (2) the rejection of a sexual advance or request for sexual favors results in tangible adverse employment action (e.g., an action that results in economic harm)

Even if a relationship was consensual, *post-relationship* adverse employment action can lead to quid pro quo or hostile work environment allegations.

Post-Relationship Issues

- Hiring and firing
- Failure to promote
- Demotion
- Undesirable reassignment
- Significant change in benefits
- Work assignments
- Negative evaluations
- Increased performance expectations



Non-Fraternization Policies

- Should be the least restrictive as possible
- May include policies:
 - prohibiting dating within a work group
 - prohibiting supervisors from dating employees
 - prohibiting supervisors from dating direct subordinates.
- In smaller companies with fewer employees, an employer's flexibility is more limited.

LOVE CONTRACTS

• What Is In A Love Contract?

- Acknowledgement of EEOC Policy
- Acknowledgement of Sexual Harassment Policy
- Acknowledgement of Reporting Structure
- Consensual
- Not Impact Work
- No romantic behaviors at work
- Acknowledge obligation to maintain professional relationship regardless of personal relationship
- Not Influence employment decisions that impact the other



- Policies designed to prevent a sensitive conflict-of interest situation from developing when the employment of married or other related employees is involved.
- Employers may generally enforce restrictions regarding relatives working together
- These policies should be narrowly tailored
- Employers who institute nepotism policies governing the working relationship between married individuals should be aware of the prohibition of marital status discrimination

Workplace Violence Issues



Workplace Violence Issues

- **From 2003 – 2009** there were **572,000** nonfatal violent crimes committed against people at work. There were **521** victims of homicide at work.
- **Victims of violence per 1,000 workers**
 - **Females – 4.1 per 1,000 workers**
 - **Males – 5.9 per 1,000 workers**
- **Marital status**
 - **Never Married – 6.2 per 1,000 workers**
 - **Married – 4.3 per 1,000 workers**
 - **Widowed – 5.1 per 1,000 workers**
 - **Divorced or separated – 6.4 per 1,000 workers**

1. **Develop Comprehensive Anti-Harassment, Fraternization and Workplace Violence Policies**
2. **Consistently Enforce Workplace Policies at all levels of the Company**
3. **Monitor Existing Workplace Relationships for Compliance with Workplace Rules**
4. **Proactively Address Changes in Relationship Status**
5. **Review Security Protocols**

