

Does Your Employer Have a Policy Prohibiting Workplace Romance or Requiring Co-Workers in a Personal Relationship to Sign a Love Contract?



In an effort to protect against claims of sexual harassment, conflicts of interest, favoritism, retaliation and to ensure objectivity in the workplace, many employers maintain a policy that prohibit employees from engaging in a personal relationship with each. Other employers are taking a different approach and requiring employees engaged in a personal relationship to sign a “love contract.” So what do each of these mean and what is allowed at your company?

Your Employee Handbook may contain a “non-fraternization” policy. Such policy prohibits employees from engaging in a “office romance”, i.e. romantic or dating relationships, cohabitation, or marriage with a colleague. An employee’s violation of the policy may result in an employee’s transfer or termination. Alternatively, the policy may require that if a personal relationship does ensue, that the employees disclose this relationship to HR. Steps can then be taken by the Company to eliminate any real or perceived appearance of authority between the employees. The policy may allow continued employment by both employees, provided the employer ensures that there is no direct reporting relationship between the employees. If there is a direct reporting relation, the employer may reserve its right to transfer or terminate the employment of one of the employees. Employers may also have policies that limit knowledge of the relationship between the employees in the workplace, i.e. policies that state no kissing, no hand holding, no public displays of affection.

Some employers understand that employees who spend 40+ hours together may result in employees engaging in a personal relationship and feel that having a “no-fraternization” policy is not realistic for their company. Instead these Company’s require that employees in a personal relationship sign a **“Love Contract”**. A “Love Contract” is also known as a consensual relationship agreement that both employees are required to sign.

Love Contracts require that the employees acknowledge they are in a *consensual*, romantic relationship and that this relationship will not affect their jobs at the company. The agreement will require the employees to acknowledge the Company’s Equal Employment Opportunity Policy and the Company’s Anti-Harassment Policy. The employees agree not to take actions that will affect the other’s employment either positively or negatively, including not to take actions that will result in a conflict of interest and not to seek a position that would result in a reporting relationship between them. The Company requires the employees to acknowledge that if a conflict of interest is created or determined then one of them may need to be transferred, demoted, resign or be terminated.

Love Contracts also may require, among others, that the employees acknowledge that there will be no acts of favoritism; that the employees agree to notify the Company if the relationship ends; that the Love Contract is confidential and not intended to invade the employees' privacy, but just to affirm that the employees will follow Company policies; and that if the romantic relationship ends there will be no workplace retaliation of any kind.

Employers have these policies to help protect the *employer* from potential liability and from claims of sexual harassment and retaliation, among others. Employers are also concerned about what occurs if the employees break-off the romantic relation and one of the two employees is unhappy with the other. The policies established are done with the intent to limit the Company's exposure, if any.

Employees involved in an "office romance" or considering dating a colleague should find out what the Company's policy is on such personal relationships.

A Love Contracts is a binding agreement. Just like an offer letter, employment agreement, non-compete agreement, severance agreement, etc. a love contract is a legal document. Any such agreement, should be reviewed and understood before you sign it.

To learn more about your rights at the workplace contact Sheree Donath at Sheree@DonathLaw.com.