



# Bernice Wheelock

HR Professional, SPHR  
ePlace Solutions, Inc.

- Ms. Wheelock has over 20 years' experience working in human resources
- Ms. Wheelock provides HR guidance and advice to both small and large employers from a wide array of industries, including hospitality, retail, fast food, medical, construction, agriculture, transportation, distribution and logistics.
- Prior to joining ePlace Solutions in 2014, Ms. Wheelock worked as an HR Manager for a research and development company, handling all aspects of HR from recruitment to benefits administration. She also worked as an HR consultant to small to medium sized businesses on HR compliance issues.
- Ms. Wheelock teaches HR Professional courses at a local adult vocational school and serves as a mentor to budding HR professionals.
- Ms. Wheelock graduated from California State University of Fresno with a bachelor's degree in Criminology, and is certified as a Senior Professional in Human Resource (SPHR) from the Society of Human Resource Management (SHRM).

# Terry Gerbs

HR Professional, MA, PHR, SHRM-CP  
ePlace Solutions, Inc.

- Ms. Gerbs has over 15 years' experience working in human resources
- Ms. Gerbs provides HR guidance and advice to both small and large employers from a wide array of industries, including hospitality, retail, fast food, medical, construction, agriculture, transportation, distribution and logistics.
- Prior to joining ePlace Solutions in 2015, Ms. Gerbs worked as an HR Manager for a nationwide hospitality company, handling all aspects of HR from recruitment to benefits administration.
- Ms. Gerbs graduated from University of Phoenix with a bachelor's degree in Management and has a Masters degree from the University of the Rockies in Organizational Development and Leadership. She is also certified as a Professional in Human Resource (PHR) and is certified as a SHRM-CP from the Society of Human Resource Management (SHRM).

# Agenda

- Identifying the hidden risks of employee relationships
- Avoiding pitfalls of employee romantic relationships
- Implementing anti-fraternization policies and using love contracts
- Addressing third-party concerns relating to existing workplace relationships
- Providing sexual harassment training to employees

# How Do Relationships Develop?

- Co-workers can spend up to 63% of their waking hours during the work week together. In some cases, co-workers spend more time with each other than with their own families.
- Oversharing details of one's personal life – Employees confide in each other
- Co-workers have a lot in common – Same profession, same friends, same workplace
- “Work-wife/husband” – Employees support each other which may mirror relationships at home
- Extra-curricular activities – Happy hour, team trips, out-of-town conferences, late night projects

# Identifying the Hidden Risks of Employee Relationships:

- Potential claims (sexual harassment, hostile work environment, retaliation, disability (mental distress))
- Diminished morale
- Preferential treatment
- Turnover
- Lack of collaboration
- Gossip
- Lack of respect for management

# Avoiding Pitfalls of Employee Romantic Relationships

- Create/implement fraternization policies
- Be clear on company policies/train frequently
- Have employees sign a Love Contract
- What can you control and what you can't control

# Implementing Anti-Fraternization Policies and Using Love Contracts

- **Personal Relationships in the Workplace Policy:**
  - A policy that holds managers and supervisors accountable and provides expectations
- **Love Contract:**
  - Agreement that communicates to the employer that –
    - The relationship is consensual
    - The employees are aware of the company's policies relating to sexual harassment



# Personal Relationships in the Workplace Policy Sample

## **Personal Relationships in the Workplace Policy**

The employment of relatives, married couples or persons involved in a romantic relationship may cause conflicts, raise issues of favoritism and damage employee morale.

A relative is any person who is related to another employee by blood or marriage. A relative is also any person who is related to another employee by law, for example, by adoption, guardianship or as a registered domestic partner. A supervisor may not oversee a related employee. A supervisor who is related to another employee or applicant must immediately disclose the relationship to management.

A “romantic relationship” is one that could be reasonably expected to become a close consensual or sexual relationship regardless of the gender or sexual orientation of the employees involved. Dating is included in the definition of romantic relationship. In order to avoid claims of harassment or favoritism, a manager or supervisor may not engage in a romantic relationship with a non-manager/supervisor employee. A supervisor involved in a romantic relationship with another employee or applicant must immediately disclose the relationship to management.

A supervisor who fails to follow this policy of disclosure can be disciplined or terminated.

# Love Contract Sample

## **Consensual Romance in the Workplace Agreement**

\_\_\_\_\_ (“the Company”) is committed to maintaining a work environment free from harassment, discrimination, conflicts of interest, exploitation and favoritism.

It is against Company policy to use a position of authority to induce another person to enter into a nonconsensual relationship. Indeed, even consensual relationships in the workplace can cause disruption and other problems in violation of Company policy.

The purpose of this agreement is to affirm that the undersigned employees (“Employees”) have agreed to engage in a consensual social relationship.

Employees agree and affirm that they have received copies of, and reviewed, and agree to follow the below-listed policies:

Equal Employment Opportunity Policy

Prohibition Against Discrimination and Harassment in the Workplace

Prohibition Against Retaliation in the Workplace

Complaint Reporting Procedure

Employees understand and agree to the following:

Not to engage in conduct or speech in the workplace that is sexual or amorous (e.g. holding hands or touching in an affectionate or sexually suggestive manner; kissing or hugging; romantic or sexually suggestive gestures; romantic or sexually suggestive oral or written communications; and display of sexually suggestive objects or pictures) on Company property or when performing work-related tasks in public areas, as such conduct may be objectionable or offensive to other employees;

Neither employee will engage in conduct that could be regarded by others as providing favored treatment to the other;

While a social relationship continues between them, neither Employee will request, apply for, seek in any way, or accept a direct supervisor or reporting relationship with the other Employee;

# Addressing Third-Party Concerns Relating to Existing Workplace Relationships

- **Focus on performance**
- **No drama in the workplace**
- **No PDA in the workplace**
- **No favors because of relationship**
- **No work schedule changes because of the workplace**
- **No interference of personnel actions by significant others**

# Providing Anti-Harassment Training to Employees

- Distinguishes between a consensual relationship and sexual harassment
- Gives employees boundaries in the workplace
- Describes unwanted advances
- Defines third-party harassment

# Potential Claim Sexual Harassment:

Bob is the company president. He recently hired Mary for a management role. After various months, Bob and Mary have been observed on dates outside of the workplace.

Recently, after almost everyone had left work for the day, the human resources manager, Frank, walked in to Mary's office to discuss an employee issue. Frank witnessed Bob and Mary in a romantic embrace. Startled, Frank walked out of the office.

The following day, Frank approached Bob to advise that what he had observed. Bob reminded Frank that he is the owner of the business and he can do whatever he pleases. Mary has not brought allegations against Bob. Frank knows this relationship could cause Bob his business.

What is Frank's responsibility?

# Potential Claim Sexual Harassment:

Maria is Mario's peer. They have worked together various years. They have been in and out of a romantic relationship.

Human resources was aware of their relationship. HR had them sign a Love Contract.

After having some disciplinary issues, Mario leaves the company. A couple months thereafter, the company receives a claim stating that Mario is alleging sexual harassment.

The company does not have a fraternization policy. How do you respond?

# Potential Claim Sexual Harassment:

Jen and Paul have been dating for the last two years. No one would know, by their behavior at work. They are professional, they work well together, and they never let their personal relationship effect the workplace. As a matter-of-fact, they are both highly productive employees.

They have announced they will be getting married in six months.

Do you have any issues?

# Potential Claim Sexual Harassment:

Todd and Paul, among other staff members attended an out of state conference.

Upon their return from the conference, Paul speaks to Courtney in human resources about an unpleasant incident that transpired during their trip. Paul claims that Todd invited him to go to a gay club. Paul was offended and is alleging harassment.

How do you respond?



# Retaliation:

**Terri complained of harassment last month. Her allegations were substantiated. Everyone likes Neil, the accused. Now she is being shunned by her co-workers and her manager has been writing her up for performance issues.**

**Can Terri claim retaliation?**

# Diminished Morale/Preferential Treatment:

You have been made aware that Rachel, the restaurant manager, is 8 months pregnant. Her unborn child's father, Ross, is a line level associate that works under her supervision.

All employees are aware of the relationship.

Ross is regularly scheduled to the day shift and is not scheduled to work weekends. Employees feel demoralized because Ross receives preferential treatment.

The company does not have a fraternization policy. What does human resources do in this situation?

# Diminished Morale/Preferential Treatment:

Gladys has been with the company 5 years. Her performance has been exemplary. Recently, she has been missing work and her performance has diminished. You are concerned about and speak to her. She explains that she is aware that the general manager, Peter, and her co-worker, Cindy, are having a relationship. Peter is married and has 3 children. Cindy is single. Both have told Gladys not to mention the relationship.

The company does not have a fraternization rule. What do you do?

# Conclusion

- Understand what behavior constitutes sexual harassment
- How do these relationships effect your business
- How can you control behavior in the workplace
- Know how to be proactive to avoid issues
- Know how to deal with issues when they arise

# Questions & Answers

Call us at 800-387-4468



Thank You for Attending!

Love is in the Air

