

Workplace Relationships

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In the wake of the #MeToo movement, employers are wrestling with how to deal with workplace relationships in an effort to limit potential liability. Some employers are opting to have employees sign consensual relationship agreements -- "love contracts." These agreements acknowledge the voluntary and consensual nature of the romantic relationship while also acknowledging an employer's sexual harassment and other pertinent policies. Some key terms to include in these contracts are as follows:

- Both parties acknowledge the romantic relationship is voluntary and consensual.
- Both parties acknowledge that neither party has harassed or threatened the other into entering the relationship.
- Both parties acknowledge that they have not felt compelled or forced to enter into (or to maintain) the relationship.
- Both parties acknowledge that either may end the romantic relationship at any time without any adverse consequences.
- Both parties acknowledge their understanding of the terms of the employer's no-harassment/no retaliation policy.
- Both parties acknowledge that neither may engage in favoritism or preferential treatment for the other.
- Both parties acknowledge that the relationship will not affect or interfere with their job performance.
- Both parties acknowledge that they will act appropriately in the workplace and avoid any conduct that may be perceived as offensive or intimate to others, i.e., kissing and hugging in the workplace.
- Both parties acknowledge that they will notify human resources when the romantic relationship ends or if issues arise because of the relationship.

"Love contracts" are not for every employer, and there are alternative tools available to mitigate sexual harassment litigation risks. For example, many employers create no fraternization and/or conflict of interest policies while others handle romantic relationships on a case-by case basis while focusing their efforts on management sexual harassment training.