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# Keeping Up With Dr. Steve

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For my California clients, contact me to set up your two-hour AB1825 mandatory harassment prevention classes for your managers and supervisors. It's fast, entertaining, and affordable!

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## The Joys and Pains of Workplace Dating

### When Do Office Romances Become a Problem?

It's February and amore is in the air. The Valentine's Day rush to buy flowers, chocolates, and nice dinners for the ones we love sometimes



crosses over to the workplace. We already know that people meet, date, fall in love, and even get married to their co-workers. When it works out well, good for all concerned. Because folks spend so much time at work, in close proximity to each other, and travel and meet for lunch or drinks in groups or alone, attractions develop. Rare is the person who works in an organization who has not at least **considered** dating a co-worker, even if he or she hasn't had the courage to ask that person out. The chemistry of adults working together means sometimes the heart wants what the heart wants, thereby overwhelming the reasoning brain. Let's all agree that quid pro quo relationships (a supervisor who uses requests or initiates an actual sexual relationship from his or her subordinate as a condition of employment) are wrong, full of liability, and demeaning to the subordinate employee. Let's focus on co-worker dating when it does not involve a boss-employee dynamic, coercion, or people who

spend more time on their social lives than on their work efforts. Several issues arise when co-workers want to or end up dating (we'll get to the breaking up part in a moment). One is the issue of consent. Flirting or asking the other person out for coffee, a movie, or dinner is mostly fine, as long as it doesn't interfere with each other's work, distract other people, or happen even after the other person has said no (once should be enough; "no" doesn't mean try harder, text more, or double down on the number of calls). The other issue relates to whether or how a boss should get involved in a co-worker dating situation. I always suggest to supervisors that if they learn about two of their people dating, they should call them in for a confidential conversation and say, "I'm happy for the both of you, but I just want to remind you to be appropriate at work, act professionally, do your job, and be available to me and your colleagues. No public displays of affection, no disappearing for long lunches, and if you decide to end your relationship, don't let bad feelings spill over back to here." This is the last and perhaps most difficult issue: the breakup. It's easy for employees in the glow of early dating to convince themselves they will always be together. It's harder for each person to face the other at work, after they have had a difficult, emotional breakup, realizing they may have to look at the other person's face on a daily basis for many more years to come. As a supervisor, you don't want to toss a bucket of cold water on the fires of young love, but you have to be realistic that some couples last and some don't. In a unique way to address liability concerns, some organizations have been urged, by their Legal Department, City Attorney, or County Counsel, to get employees to sign so-called "Love Contracts." These (curiously intrusive) documents ask both parties to sign on the dotted line that they realize their relationship is not coercive, not based on any quid pro quo situation, and is subject to the boundaries, policies, and expectations of a professional office environment. My preference as a supervisor would be to have a polite chat with both employees, document your conversation and their

answers in your coaching file, pay careful attention to the work performance and behavior of all of your employees, and wish the office dates the best.

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### "Dear Dr. Steve"

**"The Supreme Court recently defined the role of a supervisor. How does this relate to our sexual harassment prevention policies?"**

Their ruling helps companies enforce their sexual harassment policies, especially as they pertain to "quid pro quo" or "this for that" sexual harassment situations, where a supervisor demands sexual favors from an employee as



a condition of employment. Courts have long held that companies can face significant "automatic" liability for quid pro quo events, even if they knew nothing about the behaviors. While liability for sexual harassment can be minimized or eliminated by an in-place policy, management training, employee awareness training, an immediate investigative response, consequences for true perpetrators, support for true victims, and constant vigilance, quid pro quo events can be quite damaging to the organization. As such, good harassment prevention policies strictly prohibit managers and supervisors from requesting, initiating, or participating in a sexual relationship with their subordinates. The reason for the USC ruling is to help companies defend themselves when a "lead worker" or similar *non-supervisor* engages or tries to engage in a sexual relationship with an employee. The high court defines a "supervisor" as, "Someone who the employer vests with authority to direct and oversee an employee's daily work. He or she has the power to hire, fire, demote, promote, evaluate, transfer, or discipline the employee." Since "lead worker" employees don't typically have these abilities to control other employees who may work for them, most

quid pro quo situations involving them do not expose the employer to the same built-in liability problems. This ruling helps define a supervisor more specifically. Now is a good time to remind you that Dr. Steve teaches the California state-mandated (two hours, every two years) AB1825 workshop for "Sexual and Racial Harassment Prevention." Send us an e-mail for sample slides and an outline of this session.

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