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## Mixing business with pleasure? The dos and don'ts of an office relationship 15/02/2010

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Whilst office romances are often good fun for those engaged in them, they can be a headache for employers (and for employees). So how should employers handle things when affairs of the heart become part of the workplace? And where do you stand if you fall in love at work? With Valentine's Day just gone, here are CM Murray LLP's top-tips for employees and employers when it comes to dealing with office relationships...



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### Introduce HR policies for affairs of the heart

With employees spending longer at work, invariably office romances develop. Putting in place a blanket ban on work relationships will be difficult to implement and enforce and doesn't treat staff as responsible adults.

However, if employers have concerns about how work relationships may affect their business, they should consider developing HR policies to deal with any potential issues (for example, concerns of favouritism or avoiding conflict issues or situations where an individual's impartiality or position is compromised).

### Work romance – what's the legal stance?

Whilst some employers may consider that a love affair between employees is none of their business, they should still be aware of their potential liability for sexual harassment (which can result from unwanted advances or where relationships turn sour).

Employment law protects employees against unwanted conduct from fellow employees on the grounds of age, disability, race, religion and belief, sex and sexual orientation.

### Investigate harrassment thoroughly

Having up-to-date policies on harassment and having staff regularly trained in equal opportunities, rights and responsibilities will help to reduce the risk of harassment occurring in the first place. It will also help evidence that an employer took steps to prevent such harassment from occurring (if the employer finds themselves defending, at a later date, a harassment or discrimination claim).

If an employee does raise a complaint about inappropriate behaviour by a fellow colleague, this should be dealt with properly with a full investigation and in accordance with statutory legislation and guidance.

### Tackle performance issues head on

Dismissing an employee just because they are having a consensual relationship at work is likely to be unlawful. It could leave the employer exposed to an unfair dismissal complaint and/or discrimination claims (e.g. on the grounds of sex, sexual orientation and/or age).

If you do believe that an office relationship is affecting the work of the employees involved (e.g. by a decline in their performance standards or absenteeism etc) don't be afraid to deal with those concerns as you would usually deal with other conduct or capability issues. However, ensure that you deal with both parties consistently and in accordance with your usual practice.

### Harrassment - what about the employee?

If you feel that you are being unacceptably sexually harassed by a colleague at work, you should discuss this with your line manager or HR department. Sexual harassment legislation may protect you even if you are being harassed by a former flame.

Check your employment contract or staff handbook to see whether your employer has a sexual harassment policy and what it says.

### Don't let break ups affect your work

If your office relationship has turned sour, try not to let your bad feelings impact on your professional life and how you treat your ex-partner.

If you do, you could find yourself facing disciplinary sanctions and further being accused of sexual harassment or discrimination.

### Working with your spouse

If you work with your marital or civil partner and face difficulties from co-workers or your boss because of this relationship, you may have protections under the Sex Discrimination Act.

This prohibits direct and indirect discrimination against married people of either sex on the grounds of their marital or civil partner status (regardless of how long you have worked for your employer).

### Business is business – don't let love interfere

Remember that the principal reason for you being at work, is to work. Your employer has the right to expect you to behave professionally and appropriately whilst you are there.

In addition to your express obligations to your employer (usually set out in your contract of employment and/or handbook) you also owe your employer a number of implied duties, including a duty of fidelity (which includes not placing yourself in a position where your duty and your own interest may conflict) and a duty not to disrupt your employer's business.

### Love's a tricky business – especially at work

Conducting a successful romance can be tricky at the best of times and going out with someone at work will always be more complicated particularly in the early stages.

At least this year, Valentine's Day fell on a Sunday so employees and employers could enjoy it properly without worrying about what colleagues think!

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