

Play it safe: Craft policy banning supervisor/subordinate relationships

Issue: Personal relationships between employees and their bosses are ripe conditions for legal trouble.

Risk: Any form of quid pro quo ("this for that") exchange of sexual favors for job rewards can spark a sexual harassment suit.

Action: Prohibit boss/subordinate relationships, but don't drop a "no-dating" blanket policy over the whole organization.

The rise in sexual harassment lawsuits is prompting some organizations to place a complete ban on all office romances. That goes too far and, most likely, would be impossible to enforce.

Instead, your organization would be wise to adopt an anti-fraternization policy that bans relationships between employees who hold a boss/subordinate relationship. You may even want to extend the dating ban to employees who work in the same department.

As the following case shows, if even an implied connection exists between the relationship and an employee's pay, perks and job conditions, you could be on the hook for a sex harassment claim.

Recent case: A secretary claimed that the professor she worked for made sexual innuendos. The professor didn't coerce her into sex, nor did he specifically threaten her with job-related consequences.

After receiving a negative performance review, which she assumed was payback for refusing the come-ons, she reluctantly started a sexual relationship with the professor to, she believed, keep her job.

She later sued, claiming sexual harassment. But the courts tossed out her claim, pointing out that her job wasn't affected and the school acted quickly to investigate the issue once it came to light. (The professor was asked to resign.)

But the court reminded employers that, while this woman didn't prove her case, a subordinate's submission to her boss' sexual urgings can indeed form the basis of a successful sexual harassment claim. (Holly D. v. California Institute of Technology, Nos. 01-56050 and 01-56189, 9th Cir., 2003)