

Cupid in the workplace: You can terminate supervisor for lying about personal relationship

Workplace rules exist for a reason. For example, if you have a rule prohibiting supervisors from dating subordinates, you're probably trying to prevent sexual harassment claims.

After all, relationships often sour. And anytime someone in a relationship has a power position, it's possible that the relationship isn't truly voluntary.

At the very least, after the end of the affair, employers risk that the jilted employee will claim it was sexual harassment rather than a consensual relationship.

But what if you suspect a supervisor/subordinate relationship, but the two people deny it? You probably can't do anything more than reiterate the rules.

If it turns out the supervisor lied, you can certainly terminate him or her—both for breaking the rule and then lying about it.

Recent case: Arlester Jones, who is black, worked as a supervisor for Dole Foods after being selected for promotion by his boss. For several years, he received good evaluations and regular raises.

Then several of his employees complained that Jones appeared to be engaging in a personal relationship with a subordinate. The employees explained that the two took vacation at the same time, flirted with each other and generally acted as if they were involved in a romantic relationship.

Jones' boss confronted him with the allegations and explained the company rule against dating subordinates. He even told Jones that if he wanted to date the individual in question, one of them could be transferred to another section. Then, their relationship wouldn't break any rules.

Jones denied the relationship existed.

Much later, someone turned over an email Jones apparently wrote to the woman and left on a printer. The email indicated that the two had recently ended their relationship. Dole terminated Jones for breaking the rule and lying about it.

Jones sued, alleging that the real reason he was terminated was because the woman is white and he is black.

But the court didn't buy it. Instead, it upheld the discharge and dismissed the case. (*Jones v. Dole Food Company*, No. 3:10-CV-292, WD NC, 2011)

Set enforceable rules for personal relationships

The reality is that many people meet their mates at work. After all, that's where people spend a large number of their waking hours. It may not be practical to ban all romantic relationships. A few practical rules to prevent problems:

- **Don't allow relationships between supervisors and subordinates.** These are seldom equal because of the power one has over the other. Plus, they may cause resentment among other employees who perceive that the subordinate is getting favorable treatment.
- **If you allow co-worker relationships,** make clear that everyone must act professionally at work.
- **Make sure employees understand how to report sexual harassment.** A subordinate who ends the relationship and then cries sexual harassment will have a harder time winning the case if she knew how to complain.

Note: No sexual harassment policy can save you if a romantically involved subordinate is demoted, fired or otherwise punished by a supervisor. If you suspect harassment, investigate before approving the personnel action.