

# Co-workers marry: Can you tell one to resign?

It's perfectly legitimate to try to prevent allegations of sexual harassment and favoritism by instituting a policy banning romantic relationships between co-workers—or between certain types of co-workers, like supervisors and subordinates.

But what if two employees get married? As this case shows, as long as you apply your rules evenly, you can require one spouse to resign.

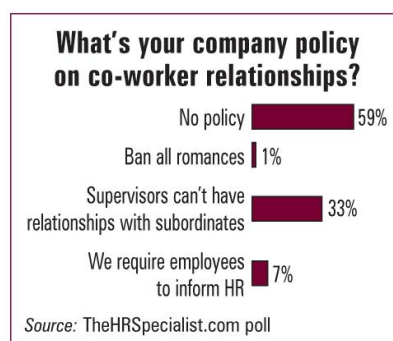
**Recent case:** Dollie Ayers-Jennings, who worked for discount retailer Fred's, married a co-worker. When they returned from their honeymoon, both were called into their supervisor's office.

They were told that one of them would have to resign in order to avoid violating the company's nonfraternization rule, which says married couples can't work in the same division.

Since Ayers-Jennings earned less than her husband, she quit. She sued for race discrimination, saying that three white couples continued working at Fred's after their weddings.

But Fred's argued that those couples didn't work in the same division, nor did one spouse supervise the other.

The court said that since the policy was specific, and since there were no open jobs that either Dollie or her husband could transfer into, the company was within its rights to request a resignation. (*Ayers-Jennings v. Fred's*, No. 10-6228, 6th Cir., 2012)



## 4 tips for managing interoffice romance

The best course is to try to manage office romance, not ban it. Here are four tips:

- 1. Establish a policy that bans relationships between supervisors and their subordinates.** At the very least, require supervisors to notify you if they become involved in such "power-differentiated" relationships.
- 2. Spell out the consequences.** As with any company policy, a no-romance policy should list behaviors and

progressive consequences. For example, if a supervisor and a subordinate become romantically involved, simply transferring the subordinate to another supervisor may solve problems before they arise.

**3. Focus on behavior.** Your policy should require professional behavior at all times. Be specific when describing permitted and prohibited conduct.

**4. Consider consensual relationship agreements.** Some companies ask employees involved in a workplace relationship to sign “love contracts,” stating the relationship is consensual and holding the company harmless for any fallout. Such agreements may stipulate that the relationship will not interfere with work.

The cardinal rule in managing workplace romance—and all policymaking and discipline—is to treat everyone equally and according to policy.