

What should we do about consensual relationship between manager and subordinate?

Q. We just found out that one of our managers is having a consensual sexual relationship with someone who reports directly to him. If we confirm with the subordinate that she believes the relationship is consensual, do we need to do anything else?

A. This is a complicated and risky situation. Even if the employee says the relationship is consensual, you are still at risk for potential legal claims. She may not be expressing her true feelings because she fears losing her job. Even if the relationship is consensual now, she may someday decide she wants to end the relationship.

If you don't already have a policy addressing workplace romances, it may be time to implement one that prohibits relationships involving managers and direct reports.

In addition, your policy should define what other types of conduct are prohibited and inform employees how to report any complaints. Build in reporting options to use if employees are not comfortable complaining to a supervisor or another member of management.

Finally, the policy should assure employees that they will not be subject to retaliation for bringing a complaint or participating in an investigation.

If you have a policy prohibiting these types of relationships, the employee facing the consequences of not adhering to the policy should be the manager, not the employee. If someone needs to change jobs to avoid having the subordinate report to the manager, transfer the manager. If any modifications are made to the subordinate employee's job (for example, hours, location or duties), make sure the employee is truly on board with the change. Get her consent in writing. Periodically check in with the employee to make sure she remains comfortable with the way the company is handling the situation.

Depending on what you discover in your investigation, you may need to take other steps. For example, if your review of the matter reveals that the manager coerced the employee into having a relationship, you should take disciplinary action that may include terminating the manager.