

Even consensual affair with supervisor can spell trouble

When a supervisor enters into a sexual relationship with a subordinate, chances are things won't go well for the company. That's one reason you should put in place strict limits on dating for supervisors and subordinates. You can prohibit such relationships altogether, or insist that anyone contemplating dating a subordinate must notify HR first so he or she can be removed from the supervisory role *before* the relationship starts.

Otherwise, you risk a sexual-harassment lawsuit, especially if the supervisor later punishes the subordinate.

Recent case: Joyce White went to work part time for Copeland Corporation. Almost immediately her boss hit on her. The two then engaged in a consensual affair, and White was hired full time. Neither told the company about the relationship. Then White went back to a former boyfriend and stopped the sexual relationship with the boss.

On a business trip, the boss tried to revive their relationship. But this time, he allegedly threatened her job if she didn't have sex. She relented once, but then ended the relationship.

When another supervisor eventually fired White for poor performance, she filed a sexual-harassment lawsuit, alleging that her boss coerced her by threatening her job. The court ordered a jury trial to determine whether her account is true. If it does find her account is true, Copeland will be liable for sexual harassment even though it didn't know about the affair. (*White v. Copeland Corp.*, No. 3:05-404, SD OH, 2007)

Final note: Remember, if a boss demands sex and threatens adverse action, it's sexual harassment. The employer is liable, whether or not it knows about the harassment.