

Love Actually (Might Cause Legal Troubles for Employers)

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Valentine's Day is around the corner, so the time is right to consider the legal pitfalls of office romances.

Quick Hits

- A romantic entanglement between coworkers that ends badly could provoke a harassment or retaliation lawsuit.
- Many employers discourage or prohibit dating between supervisors and employees.
- A number of strategies can help employers reduce the legal risk of workplace romances.

While love can be a “many splendored thing,” [workplace romances](#) may sometimes lead to harassment lawsuits, retaliation lawsuits, workplace disruptions, or loss of valuable talent. While workplace romances are not *per se* illegal, relationship problems sometimes lead to unwanted attention, misunderstandings, or even unprofessional behavior in the workplace. Because employers are required to ensure that their employees aren't subject to sexual harassment or retaliation at work, these situations, while ostensibly personal, can lead to company involvement.

While employers certainly don't have a direct say in personal relationships, employers can implement policies that discourage or prohibit romantic relationships at the workplace, especially those between supervisors and supervisees. Such policies aim to prevent favoritism and conflicts of interest, especially where a supervisor would be in a position to help or harm their sweetheart's (or ex-sweetheart's) career either during a relationship or after the relationship has ended.

Finally, employers can direct employees to inform HR about workplace relationships to confirm that those relationships are consensual. Some employers ask dating employees to sign a “love contract,” asserting that their relationship is consensual and not sexual harassment. Such documentation protects both the company and the participants in the relationship.

Next Steps

To mitigate the legal risk of office romances, employers may want to consider:

- reminding employees about written policies against harassment that occurs in person or online;
- requiring professional behavior at the workplace, communicating this policy clearly with specific examples of what is (and is not) considered professional behavior, and stating the specific consequences for those who display unprofessional behavior at the workplace or work-related events;
- providing anti-harassment training during work hours, and reminding workers that emails, texts, and other communications sent on the employer's devices and networks may be monitored by the employer; and
- requiring workers to report sexual harassment or retaliation to HR, a manager, or a confidential hotline, and reminding managers that it's illegal to retaliate against an employee for reporting harassment.

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