



Managing romantic relationships in the workplace

Introduction and background

Research in the UK in 2015 found that “65% of office workers have been involved in at least 1 workplace romance. In fact, 48% of office workers said they had been involved in 2 or more, showing just how frequently these affairs are occurring. The survey uncovered that more than half of office affairs are occurring with a least one person who is already in a committed relationship or marriage. Men are more likely to be involved in such relationships, accounting for 60% of those who admitted to being a workplace cheater. 30% of office romances led to a long-term relationship or marriage.”¹

If we take this as a reasonable indicator of what might also be happening in South Africa, it is clear that organisations must evaluate the risks involved, or, in other words, what might be the consequences for the organisation. UK legal expert Tahira Patala wrote in 2017 “From friendships to romantic encounters, interactions between employees can affect their productivity and the company dynamic as a whole. Given the amount of time that employees spend with each other in the workplace, it is always a possibility that personal or intimate relationships will develop. Employers need to accept that personal relationships are normal and, in many cases, will not present a problem.” Sometimes, she continues to argue, this is a good thing. “As working hours get longer and people spend more time with colleagues, the line between home and work is thinner than ever. In fact, contrary to popular belief, it is now the opinion that employees are happier when they have friends at work and it is easier to get through the day, which can ultimately increase productivity and reduce staff turnover.”

Whilst this might well be true, as was pointed in a later article², also from the UK, “office relationships are not always plain sailing, and line managers often end up caught in the crossfire. Relationships are complex at the best of times, let alone in a workplace, so it can be difficult for line managers to help their employees balance these relationships with the standards of behaviour required at work.”

Modern workplaces contain not only multiple generations, with sometimes widely differing interpersonal relationship norms and expectations, but also, particularly in South Africa, people from different cultural backgrounds, and, as Carlene January-Wright from Tokiso Dispute Settlement points out in her podcast on Cultural Differences, “How you experience things and the way you experience things comes from your culture. Now, what is culture? Culture is informed by a number of factors:

¹ <https://blog.approvedindex.co.uk/2015/02/09/approved-index-survey-reveals-shocking-office-romance-statistics/>

² <https://www.peoplemanagement.co.uk/voices/comment/hr-manage-office-romances>

your age, race, creed etc. So, there are these amazing discrepancies in views that we have to consider when looking at where people are operating from and in.”

Typical work-related problems

Several types of problems can often occur with workplace romances. Firstly, there can be an issue with power dynamics, particularly where one party is in a position to influence decisions such as work allocation, promotions, salary increases etc. about the other party. Even if no influence is actually used, perceptions of favouritism can all too easily arise amongst other staff.

Then there could be difficulties where the two people want to take time off together, which might not suit current work pressures in one or the other’s team if they are in different teams, or might cause significant pressure if they are both in the same team. Whilst the line managers involved might want to allow the time off in the interests of good employee engagement, other team members might perceive that special treatment has been afforded to one or the other party.

The other typical problem can arise when the relationship comes to an end. One effect is that “The breakdown of a relationship may play out over an extended period of time, which can cause both emotional and professional distress to the individuals involved, but also to colleagues who know them. This can prevent people from achieving their full potential in the workplace, and in the worst-case scenario may lead to mental health issues for the parties involved.” Obviously, a breakdown of any relationship, even if outside work, can cause similar issues, but where both parties are in the same workplace, the impact on themselves and others around them can be worse. Another effect is if the parties become hostile to each other and don’t want to work together any more, and requests for transfers are made. Or possibly one party wants to continue the relationship and the other doesn’t, which can give rise to unwanted advances which can constitute sexual harassment or bullying.

Examples

A recent example which gave rise to mixed reactions was the dismissal of the CEO of McDonalds in 2019 for breaching the company policy which forbids consensual relationships of senior managers with any other employee. Some commentators have made the point that such policies are fairly common in US companies, but not so much in European companies.

An example from some years ago was a relationship between a deputy CFO and a management accountant in the finance department of a medium sized company with about 200 people in the head office. The relationship became known when people around the office noticed that the more junior person was looking unhappy and put two and two together. This eventually came to the notice of the CEO and CHRO and it happened to be at the time when the deputy CFO was being considered for promotion to CFO. So they confronted him with the rumours and he admitted the relationship, saying that they were each going through a divorce and would subsequently get married, which they did. The couple were then counselled that they could not be in a direct reporting relationship and would have to come back with suggestions to resolve the matter. They were not happy with this, but went away and came up with a solution. This was to pressurise the CIO, a friend and previous mentor of the CFO, to take the management accountant into his department as an SAP consultant, which she was well qualified for. In terms of performance, this solution worked well, but the CIO was frequently put in an awkward position when considering salary increases and time off. This issue of time off became

problematic when the couple demanded time off together to run marathon races, but at a time when there was a major SAP upgrade project and she could not really be spared. The CIO had to agree, but the rest of the IT team were never happy about it. The situation dragged on for years and was never fully resolved.

A third example was cited by an HR practitioner in one of the SABPP's Ethics for HR workshops. An HR manager was conducting a relationship (separately) with two of his subordinates, unbeknown to each other. When one of the relationships went sour, the former lovers ended up in a public argument in the workplace, during which it became obvious to the other lover that she had been two-timed. Obviously, the situation was untenable and in the end both the HR manager and one of the former lovers left the company.

Principles for managing such relationships

Most labour law advisers now believe that it is preferable that organisations put in place an explicit policy to manage workplace romantic relationships. This should be separate from any disciplinary procedure or sexual harassment policy.

The principles on which the policy should be based were set out at the SABPP Open Space event in October 2019 as:

- Employees' rights to privacy and a private life are respected but must be balanced against the duty of the employer to maintain standards of conduct in the workplace.
- Vertical relationships should not be permitted. This means that if a couple forms a relationship and one is in direct line of authority over the other, whether at first line or above, the couple must consult with management over how to resolve the issue.
- Horizontal relationships are permitted, but the senior or longest serving of the two must report to HR and record the relationship. Horizontal relationships would include across seniority ranks but outside direct lines of reporting.
- HR must counsel the couple on the policy and assist them to mitigate any risks to relationships with their teams and any other issues in the workplace.
- The responsibility to ensure that the organisation does not suffer detriment as the result of the relationship lies with the couple. This therefore means that if there are justified complaints of any nature of misconduct or poor performance against either of the couple related to the relationship, normal corrective processes will be put in place.
- The record of the relationship will form part of their two employment records and will be treated confidentially in the same way as any other content of their record.
- It is preferable for the couple to be open about the relationship with their colleagues and the couple should be willing to listen to and attempt to resolve, any concerns that colleagues may have.
- Should the relationship end, the more senior of the two must report this to HR in a timely way.

Discussion

The scope of any such policy needs to be considered in relation to the type of organisation and other organisational factors. In the McDonald's example, the organisation had felt that it set a bad example if senior managers had workplace relationships and so put in place a blanket ban, even where the reporting relationship was not direct. In other cases, especially where parts of the organisation are fairly autonomous, a relationship between two people in different parts of the organisation may be considered unproblematic. The key considerations are:

- a) whether there could be any power dynamics at play;
- b) how might such relationships detract from living the organisation's values; and
- c) how might other employees perceive the relationship.

Once such a policy has been put in place, it must be clearly and regularly communicated to all employees. People management training for line managers must include a session on the policy and how to manage sensitive issues arising from it.

Breach of the policy, for example, not reporting a relationship to HR, would be an act of misconduct, but it is unlikely, under normal circumstances, that an appropriate sanction would be dismissal. If the relationship has caused major issues in the workplace (such as conflicts of interest or acts of favouritism) and it was not disclosed, then the sanction could be more severe.

Having a record of the existence and any subsequent termination of the relationship can be an important piece of evidence should the relationship turn sour and end up with allegations of sexual harassment, general harassment or bullying. This can even end up with so-called 'malicious' (unfounded or unreasonable) allegations of harassment by an aggrieved party.