

Jason Habinsky on BBC on Companies Handling Workplace Dating

May 21, 2018 Jason Habinsky

PRACTICES Employment Litigation, Labor and Employment

The BBC World Service “In the Balance” radio program interviewed Haynes Boone Partner [Jason Habinsky](#) in New York during a discussion about potential workplace hazards and liabilities surrounding office relationships.

Here’s an [excerpt](#) (at 14:30-16:30 in the program):

Host Ed Butler: [Habinsky] organizes something called love contracts for workplaces.

Habinsky: It’s a mechanism for an employer to ask employees who are in a dating or an intimate relationship to actually sign a contract. It’s called a love contract, and what it does is, it makes very clear that the relationship is a consensual one. An employer wants to be able to show that, if necessary, that the employees were in a consensual relationship, it wasn’t one that was forced or coercive. And it’s also an opportunity for the employer to make very clear to the employees what the company’s policies are with respect to interoffice dating: that it can’t affect the workplace, it can’t create a hostile work environment, it can’t make other employees uncomfortable, for example, through public displays of affection in the office.

Butler: So you sign up to those things if you’re in a relationship, and if you break the terms you’re fired?

Habinsky: You could be disciplined up to and including termination. The most important piece of it is, the employees make very clear that there won’t be any retaliation. In other words, if the relationship goes bad, or even if it doesn’t, one or the other of the employees won’t do bad things as a result of the relationship.

Butler: Is it your experience that employees will sometimes bring sexual harassment cases as an act of revenge or retaliation?

Habinsky: Probably the most common driving force of a sexual harassment claim is a relationship gone bad. Relationships are all fine and dandy until it gets ugly, and then you have a situation where it becomes personal. So, very often, whether it’s revenge or whether there’s some merit to the claim itself, then you very often see one or the other of the employees bring some sort of sexual harassment complaint.

To listen to the full program, click [here](#).