



# BEYOND THE MIC

## with AEM



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Love Contracts (Minisode)

Hosted by Leah Davis & Brenna Ramy

*NOTE: Because of the nature of ever-changing human resources, payroll, and tax regulations, all information discussed herein is subject to change. Please reach out to us to discuss your organization's unique challenges so that we can provide you with up-to-date information and help you find the solutions.*

February is the season of love and in the world of HR professionals, it's the season of clenched teeth, cold sweats, and a bit of stress. That's because, in any workplace, you can typically find the beginnings of a romantic relationship or two. While these topics can often be the cause of some awkward discussions, the important thing to determine is how your HR department will choose to handle these situations when they arise.

In this mini-episode of Beyond the Mic, Leah Davis and Brenna Ramy discuss some important risks to consider when it comes to romantic workplace relationships and how to create a policy for relationships that is practical, effective, and encourages a culture of open communication.

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## Meet the Hosts



### **Leah Davis, CPA**

President | AEM Workforce Solutions  
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As President of the AEM Workforce Solutions team, Leah uses her background in public accounting, business ownership, and Human Resources and payroll support to provide her team with a strong foundation of knowledge and experience. She enjoys helping clients grow and learn, no matter where they are in their HR journey.



### **Brenna Ramy, PHR, SHRM-CP**

Senior HR Specialist  
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Brenna enjoys working with leaders to determine the most effective employment model to meet business needs and strategic direction. She has over fifteen years of Human Resources experience in the industries of hospitality, retail, multifamily housing, and consulting.

# Episode Transcript

**Brenna Ramy:** Hi, Leah. We're so excited to be back together again today for a little mini-sode, which is just a really short snippet about a topic that's timely. And today our timely mini-sode topic is on love contracts in the month of February. So while all of you listeners are planning for dinner dates with family, friends, kids, "Galentines", in the world of HR, we're often thinking about relationships with clenched teeth and stress. So, Leah, this is a quick one. We're going to go rapid-fire through this. This is just a quick mini-sode to talk about it, so real quickly, can you tell us what is the difference between romantic relationships and nepotism. Because often those are combined together.

**Leah Davis:** Yep. So when you talk about love contracts - well, first of all, putting work and romance in the same bucket, again, like you said, causes HR people to break out in a cold sweat. Sometimes it really does. But when we're talking about love contracts, like you said, we're separating out nepotism, which would be general family relationships. I mean, we love people who we don't have romantic feelings about, right? So today we're focused on how we are handling romance-type love in the workplace, separate from a parent-child or brother-sister kinds of things in the workplace.

**Brenna Ramy:** So when we talk to HR people and they call us, there's one of two things, right? They say either we have an existing policy, we want to change it, update it, review it, or we don't have one and we want to start one. Where should an HR professional or a business owner who's thinking about a romantic relationship - we'll call it a love contract moving forward because that's just more fun and let's have fun - where do you start when you're thinking about a love contract?

**Leah Davis:** I think you have to start with being real, right? So I think a lot of employers have this knee-jerk reaction of, "no, no, no, I'm not going to allow that in the workplace. It just complicates things. And I don't, I don't want to deal with that." And the reality is we do need to start from a point of: where do people meet each other? When you're working with someone 40 plus hours a week, it's probably unlikely that you're never going to have a situation where romantic feelings come up between employees. So step one is be real. Step two is to take a look at your company culture. What have you done in the past? If this has never come up for you, either one, high five, good job or two, you're kidding yourself. And it's been going on the whole time, right?

**Brenna Ramy:** I'm going to vote in the "You're kidding yourself," and people are just lying. It's like parents assuming their kids don't go on YouTube. "They don't go on YouTube. They know the rules." Good one.

**Leah Davis:**

So taking a look at how have we handled this in the past? What is our company culture and really asking yourselves if we know that some of this is unavoidable, that some of these relationships and things are going to be unavoidable, how do we want to handle them going forward? And do we want to create a culture where open communication about these kinds of things as they come up is encouraged. And we think it's likely that we'll actually find out about them so that we can take good, reasonable, proactive measures. Taking a look at: is it something that we want to just across the board say no to, or is it something that we just want to create a culture where employees are going to come to us and let us know about these things so we can be real.

**Brenna Ramy:**

Right. Right. And I think it often happens that people want to start these as a knee-jerk reaction. So there's a relationship that was happening that went bad, that they didn't know about. We call that management by policy and just in general, that's really not the best solution. Creating a policy in reaction to something that went wrong or because somebody didn't tell you something really is, in our opinion, not the best way to start any policy because we want to be proactive about it.

So we know where we should start. So what are some risks related to allowing romantic relationships? And to your point, it's kind of funny to say "allowing," because whether or not you allow it, it's happening. So what are some risks to on-paper allowing romantic relationships within the workplace and having those happen and what can happen with them?

**Leah Davis:**

Yeah. So when it comes to risks of romantic relationships in the workplace, there's really kind of three that come to mind. Big one is a sexual harassment or just general workplace impact kind of claim. So that might be issues between the two involved employees. It might also be if there's a lot of public displays of affection and those kinds of things going on, it might be their coworkers saying, "Hey, time out, this is uncomfortable. And I shouldn't have to put up with this." So it can be really distracting, if not harassment, in the workplace.

The other item to really keep in mind is confidentiality and boundaries, right? There's this delicate balance between, "I want to know some of it so that I can be reasonable and proactive about making sure it's not causing an issue in the workplace." And you have to balance that with "it's really of my business outside of the workplace." Really trying to make sure that employers aren't overstepping their boundaries in terms of what they're asking and expecting to know about these relationships.

And then I think the other thing to really keep in mind is the reporting relationship issues. So if we're going to say we want to know about relationships and we're going to be reasonable about those things, how does that apply to leaders, supervisors, managers, CEOs, presidents? And making sure we're being consistent in that regard. I think there's also a lot of risk with having direct reporting relationships where maybe the two individuals where one is reporting to the other. And even if it's not a real impact or a real discrimination thing going on, the appearance of such to everyone else in the workplace will create its own set of problems that employers should at least be considering.

**Brenna Ramy:**

Yeah. And I think when you talk about reporting relationships, something really common that we see and we talk about is employers are generally smart enough that they'll say, "Well, obviously Bob can't report to Betty because Betty and Bob are in a romantic relationship. So Bob actually reports to John." But at the end of the day, maybe they're not reporting to the person, but the person they're reporting to does report to their person, right? So let's say Bob and Betty are dating and Betty is the CEO and Bob reports to the person who reports to the CEO. So all of a sudden when you have those relationships or performance issues and the person who is managing this person says, "Hey, Betty, I need to find Bob, your boyfriend." How's that going to work out? So thinking about not just the direct reporting relationship, but even that kind of tiered, indirect reporting relationship and how that can go.

I think the other thing you and I have talked about in the past that can go wrong is maybe there's not a direct reporting relationship, but maybe there's a manager in a company who's dating an employee and that manager finds out ahead of time that there's going to be a reorganization or a restructure or an elimination of a department or a line of services and goods, or maybe we're going to change a location and that office is going away. Their need to not tell their spouse or significant other and what that can do. And when that does happen or if they do share that information - kind of that pillow talk - and it can get really complicated. And I think to your point, we really encourage companies: don't try to restrict things that are going to happen on their own, but have an open policy and program that you can say, "Hey, do you understand the rules around this? Do you understand the complications and how much pressure there is for you to make good and smart decisions?"

So last question, because we're almost out of time on this mini-sode and you and I have said we could talk for hours on this and tell stories. But what about let's end on something good and juicy? What about love stories that don't start on the traditional path? So Bob and Betty start working together and they both are single and they love each other. They have so much fun. They joke around at work and it develops into this wonderful story. What about Bob and Betty's aunt and uncles who actually are married and work together, but they're married to different people and they start a relationship. And everybody knows and everybody's talking about it. And maybe, even more complicated reality is that two people are married and they work together. And one of those people starts a relationship with somebody else in the workplace and people know it. So what do we do with these nontraditional complicated stories that everybody likes to read about, but nobody wants to have to manage.

**Leah Davis:**

Yeah, again, there's no silver bullet answer to any of these questions. And so I think it really comes down to, again, culture and encouraging an open door policy about having conversations about these things. If employees know that they can bring it to someone in a leadership role and that it will be kept confidential and that they will be treated fairly, that their job will not be at risk for volunteering that information. So that employers at least have an opportunity to try to stay in front of some of these things.

**Leah Davis (cont):** And when we talk about love contracts too, it's worth noting that it's one thing to have sort of your general policy about relationships, but when you do get into some of these really sticky areas, it's an option to consider a documented sort of agreement or acknowledgement of the relationship that the employees have. And what it kind of does is just says, "We know about this, both parties agree it's consensual, both parties agree that if it's ever not consensual, they're going to report it so that we have a good understanding as an employer if there could be potential harassment or any of those types of things going on." So when it gets really dicey, I think the more we can support a culture that allows for conversation about these things, the better off we'll be. As awkward as they might be. But if you're in HR, you better be used to awkward.

**Brenna Ramy:** And our favorite - also known as our not-favorite - thing that employers and HR people say to us is, "It's fine. I dealt with it. I told everybody 'no talking about it in the workplace, just stop talking about it and move on.'" And that works 0.0% of the time. But that really means they're just not talking to you about it. You don't get to stick your head in the sand and say that none of this is work-related, I don't want to know about it.

I think our final tidbit of information about love contracts is that if you take the route of having truly a love contract - you know, think Dunder Mifflin in The Office, right? Where Michael Scott dots his love contract with a little heart over his "i" - that we don't want to be creating those without partnering with an employment lawyer. Anything that's a contract that you're having your employees sign, if you don't have a good employment lawyer, reach out to somebody who can help you get one, because contracts are contracts, and they matter. And you might think it's simple but get a good partner on that one and partner with somebody who you can work through this with and talk about it with.

And have a good Valentine's Day, right? So hopefully we all get to have a good Valentine's Day, whether it's celebrating with friends, family, or ourselves in this world of COVID. I could spend a day all by myself and be real happy.

**Leah Davis:** It's all about love. Just not too much in the workplace!

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