

Legal Connections



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WORKPLACE RELATIONSHIPS IN A POST #METOO ERA

In the midst of the #MeToo tidal wave, employers are clamping down on office romances out of fears over potential claims of sexual harassment. But is the answer to ban employees from dating altogether? In today's workplace, a ban would generally be a nonstarter. Many aspects of this camaraderie even inure to the benefit of employers. However, with the heightened focus on sexual harassment, a plan of action is imperative.



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In a post #MeToo era, employers must review and update their sexual harassment policies in light of current attitudes. It's particularly important to have a "hotline" mechanism that allows anonymous reporting of potentially inappropriate behavior so issues can be addressed before escalating into legal claims. In addition, managerial training that draws stark lines between objectively harmless and aggressive behavior can go a long way.

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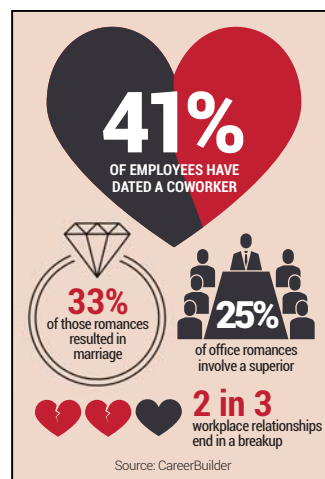
Employers have a right to be concerned. According to a CareerBuilder survey, 41 percent of employees have dated a coworker, and 33 percent of those romances resulted in marriage. Still, the remaining two-thirds of workplace relationships end in a breakup – opening employers up to claims of sexual misconduct as one party or another seeks revenge. On the other hand, a relationship that was once consensual can also turn coercive. In fact, one in four office romances involves a superior, which significantly raises the stakes.

Not surprisingly, employers are now strongly discouraging or banning relationships between supervisors and subordinates. Many are even asking employees to sign "love contracts" that spell out the voluntary nature of the romance – that is, affirming it is consensual, each employee is free to leave the relationship without fear of retaliation and that both parties understand the company's sexual harassment policy. In addition, employees should agree to alert HR if the relationship becomes problematic.

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Employers should ideally try to reassign a couple to avoid a direct-report situation. However, if that isn't feasible, a love contract will serve as evidence that no coercion or harassment engendered the romance and the couple will maintain discretion in the workplace. Should the relationship end, an employer can defend itself in any resultant claim by pointing to the agreement as proof of its attempt to effectively address the situation.

Finally, employers should be hypervigilant in ensuring third-party employees aren't negatively impacted in terms of promotions and perceived favoritism. This could result in claims of gender-based discrimination, if not properly addressed. ■



OUR COMMUNITY CULTURAL CONVERSATIONS ARE BACK! • RSVP for the March 1 session on Breaking Bias: cbalaw.org

ICE, ICE, BABY

On January 10, U.S. Immigration and Customs Enforcement (ICE) agents successfully organized and raided nearly 100 7-Eleven stores throughout the nation as a "warning" to other companies that the current administration is serious about cracking down on illegal hiring.



SHARON DELAY
GO-HR

percent" over the same period last year. In many industries and geographical locations where there are more open positions than people to fill them (or willing to fill them), many business owners may be making desperate hiring decisions to keep their doors open.

Employers need to take steps to ensure they are making every effort to verify their new hires' eligibility to work. This is a relatively simple process through the completion of the Form I-9 and verification of specific types of documents. This can also

include the additional step of voluntary participation in the federal government's E-Verify system. Employers who are not certain whether they accurately or thoroughly completed these forms can conduct a self-audit of their employees' I-9s and make corrections or take appropriate steps to remediate problems.

There are approximately 44 areas on a Form I-9 that can be incorrect, so a careful review of the forms is critical, as penalties range from civil to criminal violations, which can begin at \$110 per violation and end up in the hundreds of thousands of dollars. ■

EDUCATION & EVENTS

Thursday, Feb 22 • 12 – 1:30 p.m.
Technology PREP: Cybersecurity Boot Camp
1.5 CLE/NLT or Professional Conduct Hours

Friday, Feb 23 • 9 a.m. – 12:15 p.m.
Veterans, Service Animals and Disability
3.0 CLE Hours

Thursday, March 1 • 12 – 1 p.m.
Community Cultural Conversations: Breaking Bias
Free & Open to the Public

Thursday, March 1 • 3 – 4:30 p.m.
Office Management 2: Foundational HR
1.5 NLT or Professional Conduct CLE Hours

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

Rutherford B. Hayes
ATTORNEY, GENERAL,
PRESIDENT

📅 March 2 ⌚ 9:00am-12:15pm 📍 Columbus Bar

Masters Series in Law & History

Ohio's own Rutherford B. Hayes was committed to civil rights as an attorney and as President, promising equal rights to a nation emerging from civil war. This fascinating study of a presidency fraught with dispute, compromise and crisis will be presented by experts from the Rutherford B. Hayes Presidential Library and other noted constitutional scholars.



Registration:

Register for this class online at www.cbalaw.org or call (614) 221-4112.