

# Get That Cherub Out of My Office!

## Labor & Employment Law Update

on February 12, 2014

I'm going to come right out and say it: I hate Valentine's Day. Polls taken around this time of year prove that I'm not alone. If you're unhappily single, it's a month-long in-your-face reminder of the fact that you're single. If you're in a relationship, there is tremendous pressure to make a grand romantic gesture that's not too grand or too romantic and proportionately matches your partner's feeling. The all-time absolute worst possible way to try to celebrate Valentine's Day, however, is at the office. At best, it creates a distraction that eats into productivity. At worst, it's a sexual harassment claim waiting to happen. Here are some tips to help you avoid the sting of Cupid's arrow:

**Maintain a professional workplace year-round.** If public displays of affection, sexual innuendo, double entendres, and office flirtations are the norm, you can expect things to get truly out of hand on Valentine's Day.

**Banish company-sponsored or sanctioned Valentine's Day celebrations:** At its core, Valentine's Day is about romantic love. Good business practices mandate that expressions of romantic love have no place in the office, on the factory floor, or on any other job site. See the problem?

**Romantically involved coworkers should celebrate outside the workplace and outside working hours.** Did you know that 40% of workers report being involved in a relationship with a coworker at some point? Hugs and kisses at work are not appropriate, even between consenting adults. Always be aware of and discourage relationships with employees of unequal position. A company principal involved with an administrative assistant generally ends with someone losing a job and someone else getting a costly settlement.

**Enforce the dress code.** An overly-revealing outfit shouldn't get a pass on Valentine's Day just because it has hearts on it. Red boxers or pink bra straps should not be visible on any day of the year.

**Avoid gender-based gestures.** Giving every woman in the office a rose may seem like a nice idea, but when the boss hands a rose to a woman who is applying for a promotion and doesn't give one to a man applying for the same position, there is a shift in the power dynamic that could look like discrimination no matter who gets the job.

**Circulate a reminder of the company's sexual harassment policy** If the Valentine's Day celebrations have been getting more over-the-top the last couple years, it may be necessary to get a little heavy-handed. This not-so-gentle reminder can dampen the glowing embers of love that may be smoldering in some of your employees.

**You can't kill Cupid.** As much some of us would like to pretend the holiday simply doesn't exist, it's not practical to do so. Employees should be allowed to wish each other Happy Valentine's Day and treats like cookies or candy that are in a break room or other fully accessible area are fine. Individual card or gift exchanges – even if given to everyone, start to cross that awkward line

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