



## Addressing Interoffice Dating

By TDIC Risk Management Staff

Interoffice dating can be tricky. Potential landmines include sexual harassment claims, allegations of favoritism, low morale, breakup drama and decreased productivity that can affect the entire dental office, especially if a workplace relationship goes bad.

Legal and human resource experts across the board look at office dating in two ways: between coworkers and within the "chain of authority," such as a manager or practice owner dating an employee. The latter carries additional risk.

To help prevent a problem before it arises, The Dentists Insurance Company recommends a policy defining the consequences of interoffice dating among employees. The policy should include expectations that an office relationship is separate from the work environment and should outline appropriate behavior, such as banning public displays of affection and retaliation if the relationship ends. Prohibiting the use of office email for personal communication also helps employees stay focused on work.

Interoffice dating guidelines can be used in place of an "antifraternalization policy," which may be difficult to enforce. As practice owners, dentists ideally want employees to perceive them as advocates for their well-being and not as managers of their personal interactions. Additionally, some state laws restrict an employer's ability to regulate employee relationships unless they involve a conflict of interest.

Experts concur that the most important aspect of an interoffice dating policy is the office's sexual harassment policy. A written sexual harassment policy is essential for defining and forbidding inappropriate behavior. Harassment occurs when one employee indicates no interest, yet unwanted attention from another employee continues. Provide information about the consequences of such behavior on continued employment. The sexual harassment policy should be part of the employee manual and include a document that employees sign to indicate they understand and will honor the policy.

The second type of office dating occurs when a manager or practice owner has a relationship with an employee who reports to him or her. This relationship carries the additional risk of allegations such as favoritism, coercion or harassment, and it requires practice owners to take extra steps to prevent liability. In this instance, TDIC recommends a written consensual relationship disclosure.

The disclosure should state that a voluntary and mutually consensual relationship exists and that either party can end the relationship at

any time. Both parties agree that, should the relationship end, the breakup will not be allowed to negatively impact the performance of duties. The disclosure must require a review of the office's sexual harassment policy and acknowledge that the relationship is not a condition of employment or a promise or threat regarding employment. Employees cannot be required to sign the disclosure and should be advised of their right and responsibility to have a lawyer review it.

TDIC strongly advises practice owners to carefully consider their leadership role and weigh the potential consequences of entering into relationships with employees.

If a dentist and an employee decide to enter a relationship, it is important for them to handle the situation professionally from the beginning. The dentist should first discuss the situation with practice partners or associates. Concealing the relationship from partners, associates and other staff typically is not successful and can lead to the perception that the relationship is inappropriate.

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