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# Coffee, Tea, or Me? Romance and Sexual Harassment in the Workplace

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Sara Bliss Kiser, Tyne Coley, Marsha Ford, and Erica Moore

In the age of high powered lawsuits and the largest bankruptcy in U. S. history, companies cannot afford a misstep. Some of the larger settlements and newsworthy events continue to involve cases of romance and sexual harassment. One such example is the firing of Harry Stonecipher, the CEO of Boeing. He was brought back to the company to correct an ethical climate that had caused Boeing to lose its ability to bid on government contracts. He accomplished his task and set a new standard for ethics within the firm. As a consequence, when he was

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found to be having an affair with a female executive in another office, Boeing's Board of Directors summarily fired him to protect the newly found ethical climate (Gaither & Girion, 2005). This is but one example of how romance is blooming and will continue to do so in the workplace as individuals continue to spend twelve plus hours a day at the office. Then, the question becomes can firms control and do they want to regulate romance and sex in the workplace? If not, a sexual harassment problem can have a harmful effect on a corporation and the individual parties involved as seen with Mitsubishi, Ford, Astra, and Boeing. Thus, it is imperative to have some form of policy in place to deal with both romance and sexual harassment in the workplace. This article analyzes the issues of romance and sexual harassment policies in the workplace and why such plans are important today. It also relays the results of a survey of smaller business and their

usage and adoption of such policies.

## Romance Issues

When one considers the definition of sexual harassment, romance rarely enters the mind. While many would consider them different; they are closely related. The question today is whether a firm "cover[s] the issue of workplace romance as part of [a] one-size-fits-all sexual harassment policy" (Overman, 1998, para. 4) or has one at all.

Workplace romance is nothing new. It has been around since the day women entered the workplace (Solie, 2001). After all, while all of us seem to be working longer hours, we potentially meet dates and mates at work (Winning & Associates, 2005). Is it acceptable? It seems more acceptable than ever before in some ways and less in others (Gurchiek, 2006). For example, in a 1994 Academy of Management survey, 30 percent of the managers said

they had been involved one office liaison, 74 percent approved of dating co-workers, and 21 percent even approved of dating subordinates. A 1998 Love@Work survey conducted by AOL asserted 71 percent of the respondents had dated someone at work and 50 percent of managers had dated a subordinate (Solomon, 1998b). A 2003 Vault.com survey claimed that 59 percent of respondents admitted to dating a colleague and another 17 percent said they would like to date a co-worker (Feeney, 2004b). A later 2006 Vault Inc., survey claimed 23 percent of the respondents said they had engaged in trysts at work (Gurchiek, 2005).

Lastly, a 2006 Society for Human Resource Management (SHRM)/CareerJournal.com survey and a Spherion survey separately found a number of opinions on office romances changing for the better. Some of the findings included

- Employee opinion on inappropriateness (2001–70%; 2005–60%);
- Experienced an office romance (2001–37%; 2005–70%); and
- Believed careers could be hurt by dating a co-worker (2004–39%; 2005– 36%) (Gurchiek, 2006).

Some, however, are still not willing to be “up front” about

their relationships. The 2006 Vault Inc. survey found only 30.5 percent of the respondents were successful in covering up their relationships versus 26 percent the previous year (Gurchiek, 2006). What may be more disturbing is that some HR professionals are not as concerned about it either. The 2006 SHRM/CareerJournal.com survey found

- Believe it “is not or should not be permitted” (2001–6%; 2005–4%);
- Think couples may not work on the same projects (2001–15%; 2005–13%); and
- Do not approve an employee dating a vendor (2001–6%; 2005–4%) (Gurchiek, 2006).

These changing opinions, however, do not necessarily translate into being more lax in policies. While most firms still do not have romance policies (70% in 2002 versus 92% in 1991), many more are requiring employees to report relationships to supervisors (39% in 2005 versus 23% in 2001) (Gill, 1995; Gurchiek, 2006; Poe, 2002). The next issue then is the enforcement of such policies. Many of those with policies do not enforce them unless problems occur; in particular, when supervisor/subordinate relationships go awry or get in the way of getting work done

(Poe, 2002). So, how do office romances affect organizational results?

Organizational results can be positively or negatively impacted by romance. While Morrison (2004) does not directly focus on romantic relationships, her research found informal relationships in general can improve job satisfaction. Gill (1995) reported romances can increase productivity, improve employee morale, and enhance creativity. Overman (1998) also noted romances can decrease personality conflicts and increase teamwork. On the other hand, while both the rank and file and HR professionals seem less concerned about it, companies need to recognize the negatives.

Poe (2002) noted three problems that can develop from office romances: adulterous affairs, co-workers disturbances, and supervisor/subordinate relationships. Other possible negatives include favoritism or the perception of favoritism, potential conflicts of interest, confidentiality issues, and as a last resort a hostile work environment that could lead to sexual harassment (Overman, 1998; Winning & Associates, 2005). Jones’s (1999) team research examined how a relationship between a supervisor and a subordinate affected the group. This is pertinent today since the 2006 Vault Inc. survey reported 50 percent of the

respondents had known a married co-worker to have a fling with someone in the office (Gurchiek, 2006). What Jones found was that adulterous affairs generated more negative reactions within the group than non-adulterous liaisons. Jones also found that since supervisors tend to be held to a higher standard by team members, s/he may become ineffective if the other team members fear favoritism and/or lose respect for said leader. She also found women reacted more negatively to supervisor-subordinate relationships, and they tended to feel such relationships affect the quality of work life and the team's performance. The Stonecipher scenario at Boeing is an example of such an affair that could permeate the organization. In this case, Stonecipher was summarily fired. In another example, one employee commented on the relationship between two employees in the same department where one was married:

Our department wasn't functioning. We had no credibility with the rest of the people under us or the people in the field. ... The problem went all the way to the highest levels of our company (Gurchiek, 2005, para. 27).

In essence, the other employees began to continually question the leader's decisions and orders.

With regard to conflicts of interest, most organizations with romance policies are including them in the conflict of interest statements (Peikes & Burns, n.d.). Such policies may cover topics such as the overt public displays of affection. Overt displays can disturb others at work as many liaisons take place during work time (23% in the boardroom, 11.4% in the boss's office, 10.3% in the copy room, and 9.75 in the elevator) (Poe, 2002). A last consideration for firms comes from relationships that end poorly. Today, they seem to be ending more amicably, but a WorldWIT (women in technology) survey in 2005 discovered that 25% of those who were involved in romances "found the experience terrible" (Gurchiek, 2005, para. 22). Others in the workplace have been quoted as saying the office affair "created great difficulties" and was "extremely messy and disruptive" (Gurchiek, 2006, para. 27).

Therefore, the question arises as to how current organizations should handle romances? Many organizations depend on their culture to define the policy (Amalfe, n.d.; Agnvall, n.d.; Feeney, 2004b). Some tend to cover romance with unwritten policies, which may be hard to consistently enforce. The key for those with policies is "straddling [the] fine line between too much and too little detail" (Poe, 2002, para. 15).

Meanwhile, others depend on a strict sexual harassment policy or statements within their ethics policy/code of conduct that harassment of any kind is not allowed (Peikes & Burns, n.d.). Yet, experts feel the key to success seems to be having a policy of some sort: written or unwritten. As noted in "Office Romance ... Is the Company Helpless?" (2000), "by informing employees of concerns regarding social relationships of a sexual nature, a company provides a mechanism for managers and employees to deal with such situations, creating a fair and equitable work environment" (para. 2). Others have simply said, "not having a policy in place is a mistake" (Poe, 2002, Put It In Ink, para. 2). Thus, those with policies use different names for it: nepotism, non-fraternization, romance or consensual relationship policies, or love contracts.

The early forms of such policies have been and continue to be non-fraternization and nepotism policies. Peikes and Burns (n.d.) delineated that firms with "no-fraternizations policies and enforce them in an evenhanded manner typically are protected from liability for claims of wrongful discharge and discrimination" (para. 32). Meanwhile, others believe these earlier concepts are somewhat draconian and even the current forms of consensual relationship agreements are unrealistic and

firms that ban romance are naïve (Amalfe, n.d.; Sorohan, 2004; Sunoo, 2000).

One of the most recent iterations on the idea is “love contracts.” While some believe such contracts are useless and create resentment, others believe they are effective. Teresa Butler, a managing partner at an Atlanta employee relations law firm, noted one needs to consider who will be required to follow romance directives. Butler stated “Love Contracts” are “intended for higher-level executives. ... It’s basically for people who have broad power in the workplace” (Flynn, 1999, para. 4; see also, Feeney, 2004a). Gary Mathieson, of the nation’s largest employment and labor law firm, Littler Mendelson, commented that a “love contract” “is a serious tool for very limited and specialized situations” and “it establishes that the relationship is voluntary (Gurchiek, 2005, paras. 36 & 37). That firm has written more than 1,000 such contracts. Thus, the potential for legal action, down the line, delineates the need for a workable policy (Karples, n.d.). Although a 1998 SHRM survey found only four percent of sexual harassment claims arose from office romances, policies overseeing such relationships should not be ignored (Overman, 1998). This discussion of romance in the workplace is not an end all to itself. It is directly related

to the larger picture of sexual harassment in the workplace.

### **Sexual Harassment Issues**

Sexual harassment can be the negative result of a bad romance. Saying it more succinctly, author Dennis Power noted the difference between romance and sexual harassment is “sexual harassment is about when men and women are not relating” (Overman, 1998, para. 4). The inability to relate with others causes some to use their power over the victim to harass them. In one recent review of harassment statistics, it was noted some 40-90 percent of women and 15 percent of men reported being subjected to sexual harassment (Solie, 2001); however, sexual harassment has also been assumed to be underreported since William Petrocelli, co-author of *Sexual Harassment on the Job: What It Is and How to Stop It*, said it was (by as much as 90%) (Janice, 1996; Roberts & Mann, n.d.; University of California – San Francisco Office of Sexual Harassment Prevention & Resolution, n.d.)

Why is it underreported? Unfortunately, most cases go unreported because the victim often believes nothing will be done or s/he does not want to cause harm to the harasser (Wyatt, 2000a). Yet, since the Clarence Thomas Supreme

Court appointment hearings, women and men are more apt to report harassment because the number of Equal Employment Opportunity Commission (EEOC) complaints has increased (Noe, Hollenbeck, Gerhart, & Wright, 2003; Solie, 2001; Wyatt, 2000b). Also, an examination of the victimization statistics does not present encouraging information. A 2002 U. S. Department of Labor report determined that 71 percent of working women will have to cope with some form of sexual harassment during their career. Another report in the July/August 2003 *Corporate Corridors* reported 42 percent of the women in the federal workforce and 66 percent of the women in the military say they have been harassed. A more troubling statistic, from a poll of the largest U.S. service and industrial firms, found 66 percent of women vice-presidents stated they have been sexually harassed (Velasquez, 2004). Another study, by the Chubb Group, found 22 percent of the responding firms had had an employee file a discrimination or harassment suit. Chubb also found 72 percent had policies banning such behavior and 52 percent offer discipline (“One in four,” 2004). Thus, no organization is protected from misconduct. As an example, one of the most recent cases of sexual harassment (February 2005) filed by the EEOC was in

Bradenton, Florida against the behemoth Wal-Mart on behalf of one woman. The EEOC had previously filed a case on behalf of two women at the same store in August of 2004 ("Government Sues," 2005). Another question to answer is, how do we define sexual harassment today?

Since the EEOC passed *Guidelines* defining sexual harassment as sex discrimination under the Civil Rights Act of 1964 (CRA) in 1980, the definition has not changed extensively. Sexual harassment is described as any

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment (EEOC, 2005b, para. 2; "Sexual harassment," 2005).

Thus, there are two basic forms of claims: quid pro quo and hostile environment. Quid pro quo harassment deals with the tangible employment actions that an employer could use in exchange for sex. Through these advances the employer or supervisor may refuse promotion or terminate

the individual if he/she does not follow through. Other cases that do not contain tangible employment actions are considered hostile work environment harassment (Canoni, 1999; Meckler, Bulger, & Tilson, 2001). Quid pro quo harassment is typically engaged in by a supervisor. After all, a supervisor has the ability to demote, promote, fire, or dock the pay of an employee who does not comply with a sexual request ("Who can engage," n. d.). A hostile work environment is also an "uncomfortable environment" and to sue the employee's offense must be reasonable (Greenberg, n.d.). In 1998, the U. S. District Court of New York expanded the definition of a hostile work environment to include the harassment of others. A New York Transit Authority employee, after her report of how other employees were being harassed was ignored, claimed "the Transit Authority's indifference to sexual harassment altered the conditions of her employment, by creating a workplace permeated with sexual misconduct" (Dingeman, Dancer, & Christopherson, 1998, para. 1). The U. S. District Court upheld her jury award of \$60,000. One of the chief ways to defend against charges or harassment is to have a working policy in place.

For an organization to be able to use an affirmative defense, as defined by the Supreme Court in cases such

as *Harris v. Forklift Systems, Inc.*, *Burlington Industries, Inc. v. Ellerth*, and *Faragher v. City of Boca Raton*, the employer must be able to show it "exercised reasonable care to prevent and correct promptly any sexually harassing behavior" and "the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise" (Solie, 2001, Question #2, para. 3). Firms must also remember they can be liable for the actions of clients and vendors that interact with their employees and vice versa if the policy has not been properly communicated (Koch, 1995). That is why these rules should be one part of any workable policy.

Further, businesses need to understand how the definition of harassment is changing. The courts began with a "reasonable man" standard. With the growth in sexual harassment cases, a "reasonable woman" standard came into play. Then, with the growth of same-sex harassment cases, a "reasonable person" standard began to arise (Gill, 1995). A more recent concept is the use of the "prime-time television standard." Here the precedent is "if you can hear it on TV, it's not harassment" (Risser, 1999, para. 6; Corcoran, 1998). For that reason, actions such as swearing are not considered harassment (Risser, 1999).

While some positives to office romances exists, nothing but costs are involved with sexual harassment. Costs to employees on a psychological and esteem basis and a dollar cost to employers. For employees, it can affect the victim's livelihood—making it harder for the person to find future employment. Meanwhile, employer payments rose from \$7.1 million in 1991 to approximately \$34.3 million in 1999 (Wyatt, 2000a). The pinnacle of monetary costs came in 2000 (\$54.6 million) (EEOC, 2006). For example, one can examine the "EEOC Litigation Settlements – May 2005" report to see Linden Grove Health Care Center had to pay out close to \$500,000 in monetary relief and attorney's fees and Imclone Systems had to pay \$85,000 to a plaintiff (EEOC, 2005a). This relates to Chubb Group findings that 50 percent of the responding executives thought it would cost \$100,000 to settle a suit, while 10 percent believed it could cost up to \$1 million ("One in four," 2004). Further, a *Working Woman* survey reported that sexual harassment costs "\$6,700,000 per year in absenteeism, low productivity and employee turnover" (Meckler, Bulger, & Tilson, 2001, para. 1). Next, a pilot survey was conducted on what policies businesses have and how such policies should be instituted will be discussed.

## Methodology

A pilot survey was developed and sent to 100 randomly selected members of the Birmingham, Alabama, Chamber of Commerce. An attached cover letter explained the purpose of the survey and asked the addressee for his/her help. The letters were mailed to the contact person listed in the Chamber of Commerce directory. A self-addressed stamped envelope was included in an attempt to increase the return rate. The results were entered and analyzed on a frequency basis.

A mail survey was used because of the many "advantages of data collection by mail survey, including geographic flexibility, time convenience for respondents, elimination of interviewer bias, and low cost compared to phone or face-to-face methods" (Larson & Poist, 2004, para. 5). Twenty firms replied to the survey, providing a 20 percent return rate. This is in line with research findings on small business in the past in which response rates have been found to be anywhere from 20-35 percent (Dennis, 2003).

The participants were asked various questions about whether their organization had a romance (dating, romance, or consensual relationship) or sexual harassment policy. They were asked what they considered sexual harassment.

They were asked about whether they provided training, how they updated their policies, how they disseminated their policies, how many people were involved in investigating complaints, and for what forms of harassment were they liable. They were asked whether they believed men and women were treated equally in the workplace, and had they ever fired or transferred anyone over sexual harassment. In most cases, the participants typically answered "yes" or "no" to all questions.

## Results

The first set of questions inquired whether the respondent had an employee dating policy. Thirty percent ( $n = 6$ ) had an employee dating policy. Fifty percent ( $n = 3$ ) of the firms update their policy annually, 33.33% ( $n = 2$ ) updated them every five to six years, and one (16.67%) did not answer. Four of the six firms (66.67%) disseminated their policies. They used different methods of dissemination: E-mail ( $n = 1$ , 16.67%), orientation ( $n = 1$ , 16.67%), Intranet ( $n = 2$ , 33.33%), and the employee handbook ( $n = 2$ , 33.33%). None used a billboard, a hard copy, or the company website on which anyone could see the policy. Only one of the six firms (16.67%) provided training on the policy. Five

reported how they investigated claims: one person (n = 1, 20%), committee (n = 1, 20%), or both (an individual and committee) (60%).

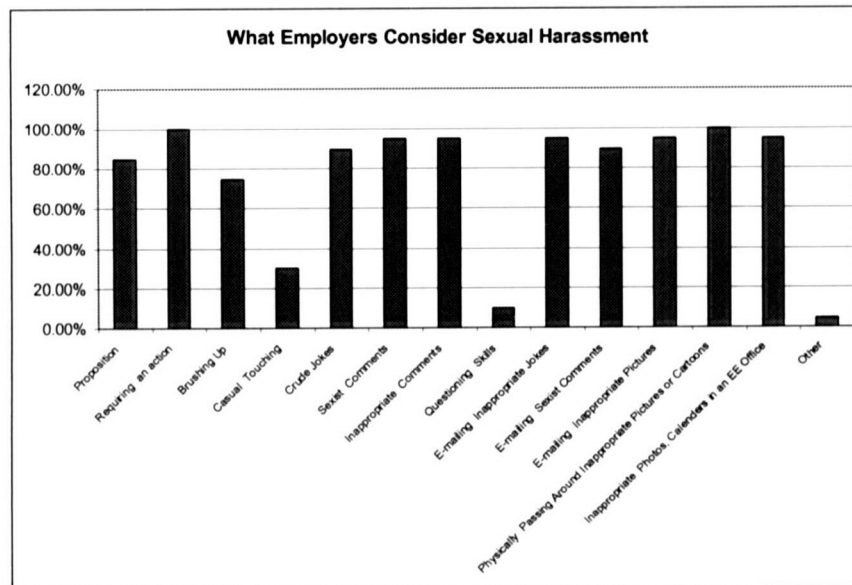
The second set of questions inquired whether the respondent did. None of the firms had a romance policy and, thus, none replied to the follow-up questions about updating, dissemination, and training. The same went for the newer title of a consensual relationship contract. The respondents were also asked whether they had unwritten policies on employee dating or employee romances. Twenty-five percent (n = 5 of 20) had unwritten policies about dating, and 25 percent had unwritten policies about romances.

The third set of questions inquired whether the respondent believed the listed example was sexual harassment. The respondent answers typically ranged from 75-100 percent. The lowest frequency of agreement was with "Questioning the Skills of the Other Person" at 10 percent. One would expect most employers would not believe that it was sexual harassment. Figure 1 presents the findings of these questions.

Seventy percent (n = 14) of the respondents have a sexual harassment code. Of those who said they had a policy, the majority update their policies annually (42.86%). Other firms updated their policy every six months (7.14%), every 2-4 years (21.43%), every 5-6 years

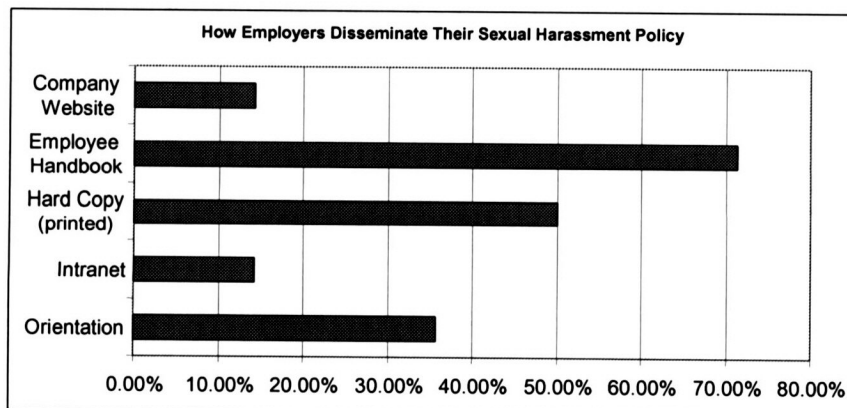
(7.14%), or other (21.43%). Of the 14 firms with a policy, 100 percent disseminated that policy to employees. Unlike with the romance policies, none of the firms disseminated it via e-mail. Again, none posted the policy on a billboard. The other methods of dissemination varied and they may have used more than one method. Figure 2 presents how they disseminated the information. Just over 64 percent of the firms with sexual harassment policies provided training. When it came to investigating claims, 16 firms responded to the question. Of the 16 firms responding, they noted they may assign one person (28.57%), a committee (35.71%), or both (an individual and committee) (50%).

**Figure 1**  
**"Yes" — What Employers Consider Sexual Harassment**





**Figure 2**  
**How Employers Disseminate Their Sexual Harassment Policies**



The firms were then asked if they had unwritten policies about sexual harassment. Thirty percent (n = 6 of 20) had an unwritten policy on sexual harassment. Of those responding, four firms had had a grievance filed (romance or harassment). Four of the firms said their procedures took one-to-six months to complete and two said other. Three firms said they had transferred someone for breaking either the formal or informal (unwritten) policy. Three firms said they had fired someone for breaking the formal or informal policy. Surprisingly, two of the firms admitted someone had been punished for filing a grievance or claim.

When the participants were asked their perception of what form of harassment takes place most often in the workplace they were provided the following options: men

harassing women, women harassing men, or same sex harassment. Not surprisingly, most firms said the greatest percentage of harassment in any workplace would be men harassing women (45-100%). Same-sex harassment was considered to be present a little bit (0-25%). Seventy-five percent of the participants said they believed males and females are protected equally in the workplace. Eighty percent (n = 16) said firms could be liable for the actions of supervisors, 85% (n = 17) for the actions employees, and 40% (n = 8) for the actions of outside employees (third parties). Last, the participants were asked if they could be liable for sexual harassment that takes place outside the workplace. A ruling against Delta Airlines was used as an example. Fifty-five percent (n = 11) said the firm could be liable for those actions. These

findings are in line with those found in the existing literature; however, the results are interesting.

### Discussion

It was found that few firms had any form of romance policy. Further, many recognize quid pro quo harassment, but are not as sure of what describes hostile environment harassment. Thus, the last thing to be discussed is how to properly develop a workable romance or sexual harassment policy.

#### Tips for Romance Policy Development

- Recognize that office relationships will exist.
- Require employees to notify hr at the beginning

and the end of a relationship.

- Restate the voluntary nature of the relationship.
- Maintain the right to reassign or transfer one of the two parties, particularly if there is a supervisor-subordinate relationship.
- Create a mechanism by which employees can inform the company of the relationship and report problems confidentially.
- To handle relationship problems, provide mediation or alternative dispute resolution.
  - One will want to reserve the option for other forms of serious discipline.
  - Make sure the sexual harassment policy is understood and can be used for problems.
- Provide seminars on the benefits and consequences of romance policies.
- Ensure there is an environment of trust and support.
- Have the employees sign a contract of some fashion with regard to the relationship and the sexual harassment policy (Amalfe, n.d.; Feeney, 2004a; Flynn, 1999;

Herring, 2003; "Office Romance," 2000; Overman, 1998).

#### **Tips for Sexual Harassment Policy Development**

- Take every claim seriously.
  - Remember that claims can be made against both against men and women for same sex harassment and third parties can be harassers or victims (Gill, 1995).
  - Make it clear the organization has a zero tolerance policy (Moore, Gatlin-Watts, & Cangleosi, 1998).
- Make the policy employee friendly.
  - Put it in writing and disseminate to all employees (Casellas & Hill, 2002).
  - Employees should be able to understand the policy. It should be written in clear english and translated for non-english speaking employees.
- Provide training.
  - Periodically train both managers and employees on the policy. This process needs to be ongoing (Casellas & Hill,

1998). It would be smart to make it part of the orientation process (Jackson, Lewis, Schnitzler, & Krupman, 1998).

- Help ALL employees understand that the minimization of sexual harassment is up to them. Employees must trust the organization. They must believe they will not be disciplined if they report harassing behavior, whether it is happening to them or a co-worker. One needs to check employee understanding of the employees through the use of seminars and surveys ("Steps employers can," 2002).
- Be careful not to make "sweeping statements" about what the different genders like or do not like (Risser, 1999). One must remember male and female perceptions differ with regard to offensive jokes and sexual remarks. Foulis (1997) found males were more accepting of such remarks.
- Make it clear that actions outside the workplace can be harassment. For example, Delta

Airlines was found liable for sexual harassment when one flight attendant raped and possibly drugged another on an overnight stay in Rome, Italy. Delta had made the reservations and transportation arrangements and paid for the rooms ("Are you responsible," 2002).

- Set an example from the top.
- Revise and update on a periodic basis.
  - Understand sexual harassment issues and the current laws and court rulings. For example, one needs to understand the new "prime-time television standard."
  - Provide examples of what is and what is not sexual harassment. The Supreme Court has noted that teasing, off-hand comments, isolated incidents unless serious, gender-related jokes, and the sporadic use of abusive language are not harassment (Canoni, 1999).
- Enforce the sexual harassment policy.
  - Provide alternative methods of reporting

complaints and easy access to distant offices.

- Inform independent contractors and/or other outside parties of the sexual harassment policy (Haight, 1995).
- Have a prompt and thorough investigation which includes confidentiality. The victim, the accused, and the witnesses need to understand the severity of the accusation and the importance of protecting identities.
- Have appropriate discipline. A firm needs to have serious sanctions if it expects to get the employee's attention.
- Provide training for supervisors on the investigation process. (Reese & Lindenberg, 2004).
- Have investigators of both genders and ensure their training.
- Conduct the investigation in a timely manner.
- Document the results of a sexual harassment complaint or investigation.

- A firm should also report what disciplinary action was or was not taken to the victim or accuser ("Steps employers can," 2002).
- Prohibit retaliation.
  - Retaliation claims for filing sexual harassment claims makes up 22.5 percent of all eeoc lawsuits (Flynn, 1999).
- Provide some form of employee assistance to those who have been victims of sexual harassment in the workplace (Solomon, 1998a; Berstein, 2003; Bresler, 2002; Canoni, 1999; Casellas & Hill, 2002; Corcoran, 1998; Gill, 1995; Haight, 1995; Jackson, Lewis, Schnitzler, & Krupman, 1998; Koch, 1995; Meckler, Bulger, & Tilson, 2001; Moore, Gatlin-Watts, & Cangleosi, 1998; Reese & Lindenberg, 2004; Risser, 1999; "Steps employers can," 2002).

## Conclusion

Romance and harassment are issues that plague large and small companies alike; however, the costs incurred in defending such a case can be more burdensome to a small

business. As Rick Warren noted, “small employers can be susceptible to claims because they don’t have the size to have a [human resources] person on staff to adequately create policies and procedures and to ensure things are implemented properly” (Frierson, 2001, para. 3). That is part of the reason members of a Chamber of Commerce were selected for the survey instrument. While the size of the sample may be problematic, the findings do say something about small business practices and potentially those of the large firms. The findings also serve as a good start. The hope is to disseminate the survey to a larger sample where the results would be more generalizable (Morrow, 1987).

One simple answer to the romance issue, and thus sexual harassment, is to give employees a life outside of work. That way, individuals have may have somewhere else to find a mate and others will not be tempted to commit sexual harassment (Halcrow, 1998). The key, as with many employment issues, is to focus on performance and not personalities. As Solomon (1998b) noted, “HR can create policies that assure work is being accomplished, co-workers aren’t being adversely affected and conflicts aren’t taking place” (p. 34). Along the same line, Karples (n.d.) noted three questions to ask in determining the need for a policy:

- 1) Are there displays of affection or emotional outbursts that are inappropriate in a business environment?
- 2) Does the relationship affect the group’s performance, creating unnecessary friction, errors, or blame-laying? and
- 3) Does the individual’s performance review appear to reflect a bias (para. 7).

Further, as noted by the courts, a policy alone is not enough. Firms need to take “reasonable care” to disseminate the policy. This may include placing the policy in the employee handbook, posting the policy in conspicuous places in the building or plant, and communicating the policy orally through seminars (Casellas & Hill, 2002). In a study conducted by Reese and Lindenberg (2004), it was found that most of the participants believed such policy elements were very (56%) or somewhat (86%) important. They also found women were more desirous of different codifications of policy elements in general—confidentiality statements, timeliness, and detailed definitions of harassment.

Another concept to consider is examining other organizational policies which may affect sexually harassing behavior in the workplace.

One example would be the organization’s alcohol policy—restrictions on drinking prior to, during, or after at company functions. A study sponsored by the National Institute on Alcoholism and Alcohol Abuse established every drink taken increased harassment twofold (Bates, 2004). Firms should also reexamine their hiring policies. They should work harder to make sure those they are hiring “fit” the organization. Corcoran (1998) used an example of swearing in the workplace. If an organization’s culture is accepting of swearing, one should be careful not hire those who would be offended or consider such language to be sexual harassment.

A last resort, maybe the federal government will begin to require employers to train employees on discrimination and harassment. California has taken this first step. California Assembly Bill 1825 which amends the state’s Fair Employment and Housing Act went into effect September 30, 2004. It requires all firms with 50 plus employees or independent contractors to provide two hours of sexual harassment training every two years by January 1, 2006 (Agnvall, 2005; Bendavid-Arbiv, 2004; Johnson, n.d.). This training must include

- (i) information on federal and state laws prohibiting sexual harassment;

- (ii) practical guidance on the prevention and correction of sexual harassment; [and]
- (iii) remedies available to sexual harassment victims; and (iv) practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation (Bendavid-Arbiv, 2004, para. 7).

What has been provided is a background on romance and harassment in the workplace, some current statistics on the problem and perceptions of employers, and solutions. The answers are not easy. For some examples of “love contracts” or romance policies, visit Workforce.com at [www.workforce.com](http://www.workforce.com). For sample sexual harassment policies, visit the Society for Human Resource Management webpage at [www.shrm.org](http://www.shrm.org).

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