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CUPID'S ARROW IN THE WORKPLACE
by Leanne E. Standryk

With the Valentine's Day tradition on our heels and the recent March 30, 2007 decision of the Ontario Court of Appeal, *Menagh v. Hamilton (City)*, I thought it timely to look at the issue office romances and the exposure Employers may experience if matters go south with the relationship.

Robert Menagh was the Director of Labour Relations for the City of Hamilton. He was a valued member of the City's management team who was relied on for his expertise in Labour and Employment law. Menagh commenced an office romance with Maureen Wilson, the Mayor's Chief of Staff in 1997 but by 2001, Wilson decided to end the romance. Menagh refused to accept it was over and continued to pursue Wilson. When his attempts were rejected, he began to harass and stalk her both at work and at home. He repeatedly discussed the breakdown of the relationship with co-workers, sent flowers to her office, arrived uninvited to her home, deliberately parked his car next to hers and the list goes on. He even encouraged the Mayor to fire Wilson. Menagh was furious when he discovered that Wilson had commenced a new relationship with a co-worker and confided in his supervisor, "I felt like killing them both and then myself". He then drove his speeding car at the new boyfriend and yelled obscenities at him. After an investigation into his conduct, Menagh was terminated for cause without a termination/severance package. Menagh responded by suing for wrongful dismissal. Menagh's conduct cost him his job and at trial he was ordered to pay the City \$200,000.00 in costs in addition to \$23,344.00 when his appeal was dismissed by the Ontario Court of Appeal.

For employers this case provides an extreme example of what can happen when a workplace relationship goes bad. As an Employer you like to give your employees some latitude but what steps can an Employer take to avoid these similar circumstances?

Establish a workplace harassment policy that clearly stipulates what type of behaviour will not be tolerated. Stipulate that romances between employees who are in a reporting relationship to one another are prohibited. If such a relationship develops, the policy should require the parties to disclose the fact of the relationship to the Employer so that appropriate steps can be taken to lessen the potential for favouritism and later any potential sexual harassment complaint against the Employer. When office romances go awry, management must address all issues including confirmation that private matters are not to be discussed in the workplace, gossip may be damaging to one's reputation and may adversely affect the workplace culture.

From a legal perspective and human nature being what it is, although you cannot strictly prevent the flight of cupid's arrow in the workplace, it is best practice as an Employer to implement appropriate policies as discussed and ensure that your employees are made of aware of the policies, have access to them and, most importantly, understand the policies and the consequences of any potential breach of policy.

The foregoing is provided to you for information purposes only. We caution you to obtain legal advice specific to your situation in all circumstances.

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