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OFFICE ROMANCES

What Coldplay concert can teach lovebirds

LINDA WHITE

It was the kiss-cam moment seen around the world: tech company Astronomer CEO Andy Byron and chief human resources officer Kristin Cabot were caught cuddling at a Coldplay concert near Boston last month.

He quickly dove out of view while she shielded her face and turned away, leading band frontman Chris Martin to speculate that they were either having an affair or "just very shy."

The former appeared to be true, and the fallout was immediate: Byron was placed on leave before abruptly resigning, while Cabot was placed on leave before resigning. The incident raises numerous questions about office romances, which may not be technically illegal but can still be risky, says Daniel Lublin, founding partner at Whitten & Lublin Employment Lawyers in Toronto.

The reasons office romances are risky are "relatively obvious," he says, pointing to colleagues or others who can view them as potential conflicts of interest, especially if one of the individuals is in a position of influence or authority over the other. "The classic example is where a boss has a relationship with his or her subordinate and others in the workplace perceive favouritism towards that subordinate – better opportunities, opportunities for promotion, or compensation opportunities."

BREAKUPS

The second reason why even consensual office romances are risky is in the event they break down, says Lublin. "You inevitably will have some cases where one side or the other is aggrieved and that inevitably can lead to human rights or discrimination claims, harassment or sexual harassment claims. The one that gets the most attention is retaliation claims," with the aggrieved party taking steps to make the work environment toxic.

Wondering if a relationship can justify termination? The short answer is 'yes' for most Canadians. Unless you're unionized or federally regulated, such as a bank employee, you can be terminated from your job without any reason, as long your employer provides you with severance.

Daniel Lublin, founding partner at Whitten & Lublin Employment Lawyers in Toronto. SUPPLIED

Sometimes, your employer can terminate you without any warning or severance but only if you have engaged in very serious misconduct. This is known as a dismissal for "just cause." Your employer has a legal duty to demonstrate that your behaviour was so bad that no other alternative existed but to immediately dismiss you.

"An employer can look at a relationship and decide that it's just not good business and it could be because the relationship is between the manager and a subordinate or it could be for some other thought process," Lublin says. Unless there is serious misconduct, however, severance would be required.

CODES OF CONDUCT

Some companies have codes of conduct or policies that prohibit workplace relationships or require disclosure of the relationship so the organization can take steps to avoid real and perceived conflicts of interest. "Some of these policies downright refuse to allow any relationships where one party is in a position to confer or deny benefits to the other," he says.

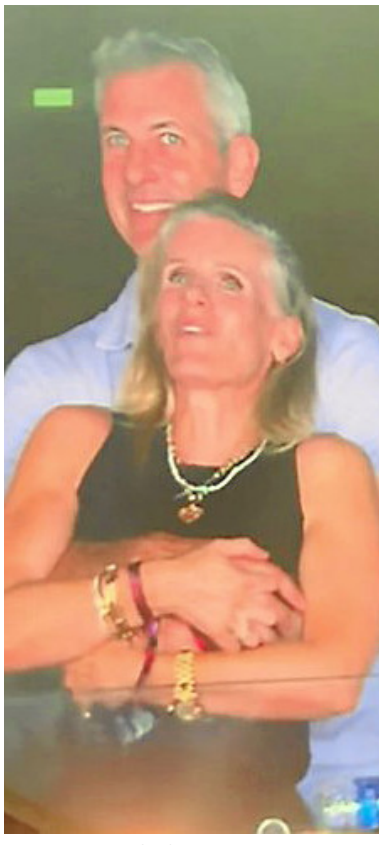
If someone violates a policy knowingly or even unknowingly, that could potentially be cause for dismissal without severance. "People who go to great lengths to conceal their relationship and if the company asks and they take steps to lie about it – they're dishonest – that's almost always cause for dismissal."

There can be instances in which a relationship itself – not even the breakdown of a relationship – is just cause for dismissal, Lublin says. "People who are in very senior roles at an organization can be characterized as fiduciaries, which are people who are a face of the company, and they have a duty to act in the company's best interests above all – above even their own personal interests."

PUBLIC SCRUTINY

If a fiduciary's private conduct becomes a matter of public scrutiny, it can damage the company's reputation, sometimes irreparably. When two senior executives are involved in an apparent affair, for example, the reputational risk to their employer can be significant, calling into question the parties' judgement, integrity, values and ultimately their ability to lead, he warns.

"As a result, employers often react swiftly when executives face public allegations of misconduct or online shaming, even if unrelated to their positions. Despite that those allegations may later be disproven, damage or potential damage to a company's reputation alone may sometimes be great enough to justify immediate dismissal, potentially without severance."



Andy Byron, CEO of software company Astronomer, and Kristin Cabot, the company's head of HR, were caught on the big screen apparently cuddling at a Coldplay concert. INSTAAGRAACE /TIKTOK

So, what advice does Lublin offer office lovebirds? "Sometimes the best advice is to make sure you disclose a relationship and not to conceal it because if you disclose it and the company does not take steps to put an end to it, you can't easily be faulted afterwards for what the company already knew about. So sometimes getting clearance is the best policy; sometimes it's not."

Certainly, not everybody who enters an office romance is going to lose their job. "There are, for example, very good people who have very clean relationships who go on and get married and that's not behavior that companies normally take issue with," Lublin says.

Push grows for return-to-work

LINDA WHITE

Most Fortune 100 companies now require desk workers to be fully in office and major banking institutions like TD, RBC and BMO have increased the required days in office. This is setting up a faceoff between workers who prefer to stay at home and employers who want them back on site, new data from the non-profit Angus Reid Institute suggests.

Three-in-five Canadians would prefer to spend most of their working time at home if it were possible. Among those who have worked from home in the past or are currently working from home, the number who prefer most of their time in the home office jumps to three-quarters.

Seven-in-10 workers in the technology, knowledge economy and financial sectors are also much more likely to say they would rather work from home most of the time and just nine per cent show a preference for full-time, on-site work.

While 65 per cent of those who have worked from home say they weren't asked to return to work or increase the number of days on-site, 72 per cent of those who were asked went back and followed the policy. Five per cent say they quit, while one-quarter agreed to the request but admit they often spend fewer days than required in office – an issue that federal government departments have noted in recent months.

Those who remain entrenched at home, however, are much more resistant to a return to office. Just three-in-10 say that if they were asked by their current employer to return that they would do so without any complications. The largest group (32 per cent) say they would return but start considering other options, while one-quarter say they'd likely quit outright.