

Model Tool: Conflict of Interest Policy for Romantically Involved Employees

Why you need this policy:

A law firm's control over an employee doesn't normally extend to the employee's love life. But when a romance between co-workers affects the workplace and the law firm's business, it becomes an employment matter. This is most likely to happen when a relationship ends.

You need to implement a Model Conflict of Interest Policy to protect your law firm from harm that can result when employees date their co-workers.

How this policy helps you:

Banning dating between employees is a bad idea. First, it's an unwarranted intrusion on privacy for which there's no legal basis. An employer's attempt to prohibit workplace romances can also lead to discrimination and other legal complaints. Besides that, it's is unworkable and just about impossible to enforce and will likely succeed only in breeding resentment, harming morale and forcing employees to conduct their affairs on the sly.

Instead, one recommended strategy is to establish a policy based on this Model Tool that spells out what behavior and actions associated with romantic relationships may constitute a conflict of interest that can hurt the law firm.

How to use this policy:

Adjust this policy as required for your office. And in addition to implementing this written policy, make sure your employees know what is expected and receive appropriate training on what behavior is—and isn't—acceptable in the workplace. Training and instruction should flow naturally from the content of your conflict of interest and code of conduct policies.

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ABC Law Firm

1. Principles

ABC Law Firm ("ABC") respects the rights of employees to engage in romantic relationships with their co-workers. At the same time, ABC expects that employees will in no way allow their romantic relationships with other ABC employees interfere with their obligation to comply with all firm policies, rules of conduct and procedures.

2. Purpose

The purpose of this Policy is to clarify how ABC's conflict of interest policy applies to situations in which employees are romantically involved, spell out the circumstances in which a romance may lead to a conflict of interest and define the employees' obligations if it does.

3. Avoiding Conflicts of Interest

All employees must avoid situations which create a conflict of interest between their personal activities and their duties and responsibilities as an employee, including situations in which their romantic ties might interfere with their duties to the firm, its attorneys and employees and clients.

4. What Constitutes a Conflict of Interest

A conflict of interest occurs when an employee engages in personal conduct or activities which—whether in the context of a romantic relationship or otherwise:

- a. Are competitive with the operations and practice of ABC;
- b. Place the employee in the position of obtaining a personal benefit by virtue of his or her status as an employee of ABC;
- c. Bring ABC or its attorneys, employees or clients into disrepute; or
- d. Otherwise have a negative or detrimental impact upon ABC.

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5. Disclosure of Possible Conflicts of Interest

A. Employees who are involved in romantic relationships with an ABC co-worker that they believe create or have the potential to create a conflict of interest are obligated to report their circumstances or activities to ABC management.

B. Employees who believe they have witnessed, or are otherwise aware of, the occurrence of a conflict of interest arising out of an inter-office romance or other situation must report that occurrence to ABC management.

6. Discipline for Conflicts of Interest

Employees who are found to be, or to have been, in a conflict of interest due to an inter-office romance or other circumstances will be subject to disciplinary action up to and including termination of employment.

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