



Establishing a “Love Contract”

In a medical practice, many contracts are entered into on a regular basis, such as employment contracts for physicians, lease agreements, and contracts with insurers. Take the next step and draft a relationship contract, i.e. a "love contract," for employees who develop a romantic relationship, in order to protect your practice from romantic backlashes or sexual harassment allegations.

For example, if a relationship develops between one of your physicians and a staff member and later dissolves, the subordinate may claim that the relationship was not consensual and file a claim of sexual harassment against the physician and the practice. The image of a physician's and medical practice's deep pockets may be reason enough for the disgruntled staff member to claim sexual harassment and file a legal suit, potentially causing the medical practice to pay a large settlement.

It is in your practice's best interest to discourage office romances altogether by having in place a nonfraternization policy. However, there is no foolproof way to prevent romantic relationships from occurring. Having too restrictive a policy on office involvement merely makes the relationship go underground. Therefore, the trend is to design an office policy that addresses office relationships and their consequences, especially between individuals in a reporting relationship. Then in the event an office romance occurs which is not in violation of the nonfraternization policy, make sure you also have an anti-sexual harassment policy in place and a "love contract" executed by the individuals in the romantic relationship.

Your nonfraternization policy should, at the very least;

- discourage romantic relationships in the office and in particular, prohibit those in which one party reports to the other;
- state that if a romantic relationship occurs, it should be reported immediately;
- state that corrective action will be taken if a conflict of interest is anticipated because of the relationship; and
- state that disciplinary action will be taken for violation of the policy.

Once the practice becomes aware of an office romance which does not seem to violate the nonfraternization policy, the practice may need to protect itself even more by having the individuals involved sign a "love contract." This is an agreement of informed consent between any two parties choosing to have a consensual romantic relationship. The contract should state that both participants are aware of the practice's nonfraternization and anti-sexual harassment policy, that the relationship does not violate either policy, that the relationship is mutual and consensual, and that either party is free to terminate the relationship at any time.

In this manner, your medical practice can protect itself in the event that a sexual harassment claim surfaces by having written evidence that the relationship was consensual. However, you need to realize that employees must be willing to sign the contract -- you cannot force them to do so.

The concept of the "love contract" originated in law firms, where long hours discourage socialization outside of the office. Thus, employees seek relationships among co-workers. This situation is somewhat similar to a medical practice, where staff and physicians work closely with each other to provide appropriate patient care. And, as practices have gotten larger, the ability to meet more co-workers has increased.

Even though there may be a certain expectation of privacy from your employees, your medical practice has the right to institute some form of regulation regarding office relationships. The best method of avoiding all possible litigation is to prohibit romantic involvement in the workplace. In the absence of this, be sure to have a disclosure clause that calls for all relationships to be reported to the appropriate individuals (the administrator or the managing doctor) and for the individuals involved to execute a "love contract."

By treating romance in the medical practice as a liability concern and not an ethical one, employees may better understand the need for the relationship to become a public matter and come forth with it. By having all the proper policies in place and taking appropriate action when a romance is disclosed, your practice is taking a step in the right direction to make sure that individuals are not being taken advantage of and that lawsuits are avoided. Protection of your practice needs to be the manager's ultimate concern.

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