

Bob Kustka

Factoring Human Capital Into Your Business Plan

NYTimes.com
February 18, 2007
By Matt Villano

When Flirting at Work Is Flirting With Trouble

Q. You often see two colleagues flirting with each other in the office, and their behavior offends you. What can you do?

A. Speak up. Paul A. Falzone, chief executive of eLove, a dating service in New York, said that the moment when flirting at work begins to affect your concentration, you need to take action.

“Your job is your livelihood,” Mr. Falzone said. “If someone or something is interfering with that scenario, it’s time to step up and be more assertive about it.”

Q. What behavior constitutes consensual flirting?

A. The definitions vary. At most workplaces, interactions like a wink, a bashful smile, giggly laughter or a brief touch may be considered harmless. Still, there’s a fine line between friendly behavior and inappropriate innuendo.

Scott Kudia, president of the Kudia Company, a relationship consulting firm in San Diego, said that joking about sexual intimacy and soliciting after-hours dates could be considered overkill. Mr. Kudia added that employees who engage in some public displays of affection, like massaging, hugging, groping and kissing, have gone too far.

Q. Is such overt behavior acceptable in an office environment?

A. Never. Bob Kustka, president of the Fusion Factor, a consulting firm in Norwell, Mass., says that while it’s perfectly reasonable for employees to gravitate toward those they see most often, there is plenty of time for them to fraternize outside the office. “Work is for work,” he said. “If your colleague wants to pick someone up, that person probably should do it on his own time.”

Many companies have sexual-harassment policies that protect against a “hostile” work environment that may result from certain kinds of flirting. Some companies have also set up legally binding parameters for relationships in the office.

Eric Dowell, a lawyer at the Atlanta law firm Ogletree, Deakins, Nash, Smoak & Stewart, said that these policies are known as “antifraternization” or “love” contracts. Some of the policies forbid workplace dating altogether. Mr. Dowell noted that some state courts were still deciding whether these contracts violated privacy rights.

Q. To whom should you raise your objections about workplace flirting?

A. If you feel comfortable discussing the subject with the colleagues themselves, start there. Approach the two privately and tell them how you feel. Specify the behavior that upsets you, and politely ask them to stop. Finally, have them acknowledge your request, so you know they understand it.

Amy Applebaum, president of Bootcamp for Your Mind, a career coaching firm in Los Angeles, said: “Simply by voicing your concerns, you’re saying to the colleagues, ‘This is not O.K.’ and, ‘It’s time for a change.’”

Of course, if at least one of the two has a spouse at home, the situation may be more complex. Ms. Applebaum said that in such a case, if you confront your colleagues directly, it is important not to meddle or to judge them.

“The relationship between these people and their husbands or wives is none of your business,” she said. “All you

When Flirting at Work Is Flirting With Trouble cont.

should worry about is the flirting and how that makes you feel.”

Another option is to take complaints directly to the boss. Evelyn Cogan, professor of business law at LaSalle University in Philadelphia, said that employees pursuing this route might want to compile a chronological list of offending incidents, to document a pattern. “You want to give as much detail as you possibly can,” Professor Cogan said. “The more you can tell your employer about the situation, the more they’ll have to go on when they investigate things for themselves.”

Q. How should you expect your colleagues to react?

A. That depends on your workplace and your relationship with the pair. If you are close friends with both, and they were not aware that their flirting was irksome, they may be grateful that you brought the issue to their attention. If you are not too friendly with them, they may respond scornfully.

If other colleagues find out what you’ve done about the situation, their reactions are likely to be mixed. Some may applaud the strength of your convictions; others may label you as a tattletale or a prude.

John Heins, senior vice president at Spherion, a worker placement firm in Fort Lauderdale, Fla., says that employees who choose to speak up must be ready for responses of every kind. “It all comes down to group dynamics,” he said. “If your colleagues feel you are a whistle-blower or someone who can’t be trusted, you might find yourself on the outside looking in for quite some time.”

Q. Can people lose their jobs for flirting at work?

A. Absolutely. Heather Brock, a lawyer at the law firm of Fowler White Boggs Banker in Tampa, Fla., said that companies in some states might be required to start a sexual-harassment investigation the moment an employee complains about the situation to a boss or to human resources.

Generally, Ms. Brock said, the investigation process ends in some form of discipline for the offending party or parties. In some cases, this amounts to probation or sensitivity training. In other cases, because most companies retain employees at will, the situation could end in dismissal.

“Depending on the climate at your company, the punishment for simple flirting can be pretty significant if your behavior annoys the wrong person,” Ms. Brock said. “When employees consider what’s at stake, one would hope that it makes them think twice about flirting at all.”