

CAN I DATE MY COLLEAGUE?

By [Andrea M. Marsland](#)

We see hearts and roses everywhere during the month of February, especially in the weeks leading up to Valentine's Day. Given the amount of time Canadians spend at work, it is not surprising that relationships bloom in the workplace from time to time. After all, many of us spend more time with our colleagues than with our friends and family.

This begs the question: Can I date my colleague?

While it is not generally "*illegal*" to date a colleague, workplace romances often lead to a number of issues for the employees in question and for the employers who employ them. Like all romances, relationships between colleagues can be great, that is, until they are not. The problem is this: once the relationship comes to an end, the employees still have to see each other in the workplace every day. This can lead to a number of issues employers and employees alike should be aware of, and consider, when they are contemplating workplace romances.

It is not uncommon to see a consensual relationship become an issue of workplace harassment and/or discrimination when things do not work out. A generally accepted definition of harassment in Ontario is "*engaging in a course of vexatious comment or conduct that is known or ought reasonably be known to be unwelcome*". Sexual harassment also has its own definition: "*engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably be known to be unwelcome or, making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome*". Discrimination means treating someone unfairly because of their sex, sexual orientation, gender expression or gender identity, etc.

Employers in Ontario have an obligation to protect their workers from workplace harassment and discrimination, and this can become quite difficult when relationships start as consensual and then go south.

How can employers protect against this? While there is no perfect answer, it is advisable to have policies in place that address reporting relationships, conflicts of interest, and disclosure obligations as they relate to workplace romances.

Instead of "Can I date my colleague?", perhaps the question should be "Should I date my colleague?". If you require any further information with respect to any of the above, please feel free to contact me and I would be pleased to assist.



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