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## **Workplace Solutions:** **Summer 2024 Newsletter**

Bilingual investigation skills are critical when thoroughly investigating claims raised by mono-lingual Spanish-speaking employees. Carrera Workplace Solutions is here to help.

Certified in DEI by Cornell University's School of Industrial and Labor Relations and by the Association of Workplace Investigators (AWI). Dedicated and responsive client relations.

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### **Why Carrera Workplace Solutions?**

- **Workplace investigations, advice and counseling, and workplace training, including California's mandated harassment prevention training for employees and managers.**
- **Bilingual services in Spanish.**
- **Certified in DEI by Cornell University School of Industrial and Labor Relations.**
- **Certified by the Association of Workplace Investigators (AWI).**
- **Over 25 years of actual employment litigation experience in matters involving workplace harassment. Dedicated and responsive client relations.**

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Karen Carrera will be speaking at the California Lawyers Association 2024 Labor Conference's 14th Annual Advanced Wage and Hour Conference and 40th Annual Meeting of the Labor and Employment Law Section to be held on July 18-19, 2024, at the Hilton Orange County/Costa Mesa, 3050 Bristol St., Costa Mesa, CA

92626. Karen will present on the panel: **Best Practices and Cultural Competence in Employment Matters Involving Limited-English Speakers: From Client Intake, Through Investigation, To Trial.** The moderator of the panel is AWI's own Andrea Kelly Smethurst. Other panelists include Jennifer Reisch and Leiann Laiks.

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## Workplace Romances: Insights and Impacts on Modern Work Environments

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Statistics reveal that over 60% of adults have engaged in a workplace romance. The scarcity of opportunities to meet new people outside of work and the comfort found within professional settings make such relationships a common occurrence. While our survey indicates that 43% of these romances result in marriage, they are not universally beneficial. In fact, with 40% involving infidelity, increasing office gossip, and perceptions of favoritism, these relationships can pose significant challenges for HR departments. The reality is that workplace romances are here to stay. Although they may not be universally embraced, employers can protect their organizations and maintain team cohesion by implementing effective policies and utilizing HR management tools to minimize disruptions and manage risks effectively.

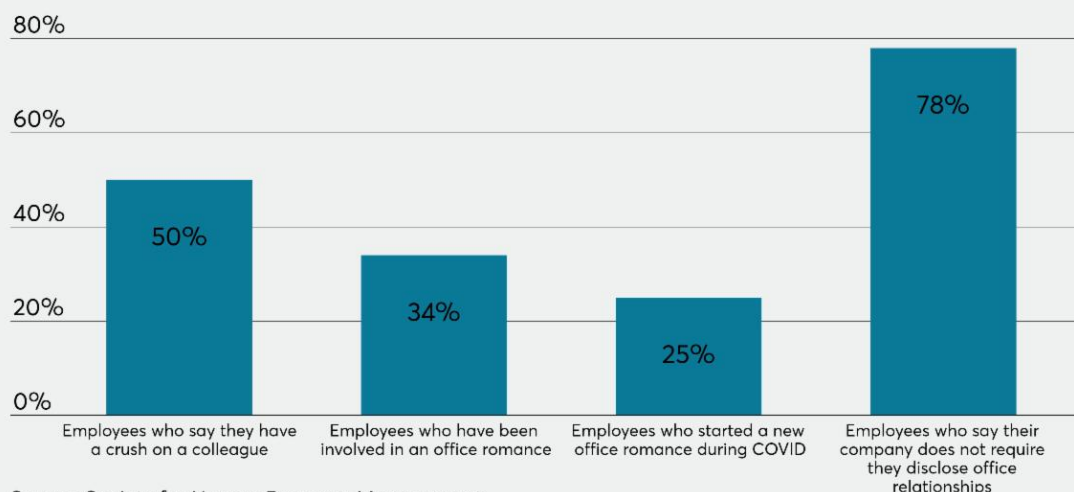
### Key Takeaways:

- 57% of employees report that workplace relationships have affected their job performance.
- 43% have ended up marrying a coworker.
- 35% of workplace couples do not report their relationship to their employer.
- 40% have engaged in infidelity with a coworker.

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### Office romances are on the rise



Source: Society for Human Resource Management

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# Gen Z and Millennials Redefine Office Romances

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Attitudes toward workplace romances are becoming more accepting due to the influx of younger workers and the retirement of older employees. Data from the Society for Human Resource Management (SHRM) reveals that younger millennials and Generation Z are more open to office romances than older generations. About a third of these younger workers are comfortable with workplace relationships, compared to lower percentages among older millennials, Generation X, and baby boomers.

Historically, workplace romances were often forbidden or heavily regulated by employers. However, many companies no longer require employees to disclose such relationships. Despite this, 40% of workers still view office romances as unprofessional, and 18% believe it has negatively affected their careers.

During the pandemic, workplace romances increased due to remote work, which allowed relationships to develop away from the judgment of co-workers. The hybrid work model continues to support these relationships. Companies are now more realistic about workplace romances and aim to retain good employees by minimizing restrictive policies. However, relationships between managers and subordinates are typically prohibited due to the risks involved, such as favoritism or harassment.

Overall, while most workers in a workplace romance report that work-related issues did not significantly contribute to breakups, some still experience challenges. This is why it is important to be transparent with bosses and HR regarding workplace romances, as workplace gossip often spreads quickly.

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## Romance in the Workplace: A Balanced Perspective

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Romance in the workplace is a phenomenon that has been present as long as the workplace itself. With individuals spending a significant portion of their time at work, it is natural for personal relationships, including romantic ones, to develop. While workplace romance can lead to positive outcomes for the individuals involved and even for the organization, it can also present challenges and potential risks. This article aims to explore both sides of this complex issue, providing a balanced view on the potential benefits and drawbacks.

### **Benefits of Workplace Romance:**

#### Increased Job Satisfaction and Productivity

Romantic relationships in the workplace can lead to increased job satisfaction for those involved. A study published in the Journal of Social and Personal Relationships found that individuals involved in workplace romances reported higher levels of job satisfaction compared to their single counterparts. This increased satisfaction can translate into higher productivity, as happier employees are generally more engaged and motivated in their work.

#### Enhanced Team Dynamics

Couples in the workplace often develop strong teamwork skills, which can benefit the overall team dynamics. Their ability to communicate effectively and coordinate with each other can set a positive example for other team members, fostering a collaborative and supportive work environment.

### Attraction and Retention of Talent

For some, the possibility of forming personal relationships at work makes the workplace more appealing. This aspect can help organizations attract and retain talent, especially among younger employees who value social interactions and personal fulfillment in their job environment.

## **Challenges of Workplace Romance:**

### Potential for Conflict of Interest

One of the primary concerns with workplace romances is the potential for conflicts of interest, especially when the relationship involves individuals at different levels of hierarchy. Such dynamics can lead to perceptions of favoritism or bias, which can undermine the integrity of supervisory relationships and impact morale among other employees.

### Impact on Team Cohesion

While some couples contribute positively to team dynamics, others may cause division within the team. If a relationship ends poorly, the fallout can affect not only the individuals involved but also their colleagues. This situation can lead to decreased collaboration, increased tension, and an uncomfortable work environment.

### Legal and Ethical Risks

Workplace romances can lead to legal repercussions for the organization, particularly if they end unfavorably. Issues such as sexual harassment claims or lawsuits related to perceived inequalities in treatment can arise, posing significant legal and financial risks to the company.

## **Navigating Workplace Romance: Policies and Practices**

To address the complexities associated with workplace romances, many organizations implement specific policies. These can range from restrictions on romantic relationships between supervisors and their subordinates to more nuanced policies that require the disclosure of such relationships to HR departments. The goal of these policies is to mitigate potential conflicts of interest and protect both the employees and the organization from legal risks.

### **Pros of Workplace policies:**

#### Clear Boundaries

Well-defined policies provide clear guidelines and boundaries for employees, helping them understand what is expected and acceptable in the workplace.

#### Protection Against Legal Risks

Effective policies can shield the organization from lawsuits and other legal complications that might arise from workplace romances.

#### Maintenance of Professionalism

By setting boundaries for workplace interactions, these policies help maintain a professional work environment and ensure that work-related decisions are made objectively and without personal bias.

### **Cons of Workplace Policies:**

#### Perceived Intrusion on Privacy

Some employees may view strict workplace romance policies as an intrusion into their personal lives, potentially leading to decreased job satisfaction or morale.

#### Difficulties in Enforcement

Enforcing workplace romance policies can be challenging, especially in large organizations or those where personal interactions can easily go unnoticed.

### Risk of Underreporting

If the policies are perceived as overly strict or punitive, employees might choose to hide their relationships, which can complicate matters further and defeat the purpose of the policies.

### Conclusion

Romance in the workplace presents both opportunities and challenges. While it can lead to increased satisfaction and productivity, it also carries risks of conflict, legal issues, and workplace disruption. Balancing these factors requires thoughtful policies that respect personal privacy while safeguarding professional integrity and organizational harmony. Ultimately, the effectiveness of any approach to managing workplace romance will depend on the specific context of the organization and the culture it fosters.

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## **New EEOC Guidance on Workplace Harassment: A Comprehensive Update**

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The Equal Employment Opportunity Commission (EEOC) has issued updated enforcement guidance on workplace harassment, superseding several older documents to provide a unified and comprehensive resource for employers, employees, and legal practitioners. This guidance comes as the EEOC continues to address persistent workplace harassment, which remains a significant issue decades after the landmark Supreme Court ruling in *Meritor Savings Bank v. Vinson* (1986).

### **Background and Need for Updated Guidance:**

In the *Meritor Savings Bank* case, the U.S. Supreme Court established that workplace harassment can constitute unlawful discrimination under Title VII of the Civil Rights Act of 1964. Despite this ruling, harassment remains prevalent. Over the past five fiscal years ending in 2023, more than one-third of the discrimination charges received by the EEOC included allegations of unlawful harassment based on race, sex, disability, or other protected characteristics.

### **The updated EEOC guidance replaces several prior documents, including:**

- Compliance Manual Section 615: Harassment (1987)
- Policy Guidance on Current Issues of Sexual Harassment (1990)
- Policy Guidance on Employer Liability under Title VII for Sexual Favoritism (1990)
- Enforcement Guidance on *Harris v. Forklift Systems, Inc.* (1994)
- Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999)

### **Purpose and Scope of the New Guidance**

The new guidance aims to serve as a comprehensive resource, detailing the legal standards for harassment and employer liability under federal EEO laws. It addresses harassment based on race, color, religion, sex (including pregnancy, childbirth, sexual orientation, and gender identity), national origin, disability, genetic information, and age (40 or over). The guidance is intended for use by employers, employees, legal practitioners, EEOC staff, and other agencies involved in investigating, adjudicating, or litigating harassment.

claims.

The updated guidance provides specific examples and explanations for harassment based on various protected characteristics:

- Race: Includes racial epithets, offensive comments, and harassment based on stereotypes or traits linked to race.
- Color: Harassment due to an individual's pigmentation, complexion, or skin tone, even within the same racial group.
- National Origin: Includes ethnic slurs, derogatory comments about national origin, and harassment related to linguistic characteristics.
- Religion: Harassment based on religious beliefs, practices, dress, and religious accommodation.
- Sex: Encompasses harassment of a sexual nature, sexist comments, and harassment based on pregnancy, childbirth, sexual orientation, and gender identity.
- Age: Harassment based on stereotypes about older workers, including pressure to retire or assumptions about their abilities.
- Disability: Harassment based on actual or perceived disabilities, requests for accommodation, and association with individuals with disabilities.

### **Implications for Employers and Employees:**

The EEOC's updated guidance highlights the importance of maintaining a workplace free from harassment and discrimination. Employers are encouraged to implement comprehensive anti-harassment policies, provide regular training, and establish effective complaint mechanisms. Employees should be aware of their rights and the procedures for reporting harassment.

While the guidance does not have the force of law, it provides a critical framework for understanding and addressing workplace harassment under federal EEO laws. The EEOC will continue to consider the specific facts and applicable legal principles in each case, ensuring that the rights of all employees are protected.

For more information and resources on workplace harassment, the EEOC encourages individuals to visit their website and review the full enforcement guidance. You can also contact Carrera Workplace Solutions for assistance with comprehensive harassment prevention training of employees and managers.

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## Mixing Business with Pleasure? Know the Rules

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Employers should manage workplace romances with meticulous care and establish explicit policies. Here are refined guidelines:

1. **Develop Clear Policies:** Create explicit guidelines that define acceptable behaviors and address potential conflicts of interest, outlining procedures for managing inter-colleague relationships.
2. **Promote Transparency:** Encourage employees to disclose romantic relationships to managers or HR. This transparency helps manage conflicts of interest and address issues promptly.
3. **Prevent Favoritism and Harassment:** Guard against favoritism, harassment, and conflicts of interest. Ensure that romantic partnerships do not influence supervisory roles or impact one's professional advancement unfairly.
4. **Implement Training Programs:** Provide education on appropriate workplace behavior, focusing on how to handle romantic relationships with professionalism and respect.
5. **Respect Privacy:** While encouraging openness, respect the privacy of employees and refrain from intrusive behavior.
6. **Address Conflicts Efficiently:** Respond swiftly and impartially to conflicts stemming from workplace romances, possibly through investigations, mediation, or reassignment of roles.
7. **Assess Environmental Impact:** Consider the effects of workplace romances on team dynamics, morale, and productivity.
8. **Ensure Consistency:** Apply romantic relationship policies uniformly to all staff to prevent perceptions of bias.
9. **Offer Support:** Provide assistance to employees facing difficulties due to workplace romances, such as access to counseling or other resources.
10. **Review and Adapt Policies:** Regularly evaluate your policies on workplace romance to ensure they effectively address current and emerging challenges.

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## **Karen's Delicious Latin Kitchen**

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### **Seco de carne (Peruvian beef stew):**

Seco de carne is one of my favorite Peruvian dishes. My grandmother made this dish for the whole family, and everyone loved it. I have made this dish for my family and friends, and it is always a crowd pleaser. Enjoy!





### Ingredients:

- 4 cups cilantro leaves
- ½ cup vegetable oil
- 1 ½ pounds boneless beef chuck roast, cut in 2x2 inch pieces
- 1 chopped red onion
- 4 chopped garlic cloves
- 1 tablespoon aji amarillo paste
- 2 potatoes, peeled and cut in four parts
- ¾ cup green peas
- ¾ cup diced carrots
- 3 cups beef broth
- Salt and pepper

### Instructions:

1. Put the cilantro in the blender and process with one cup water. Reserve.
2. Heat the oil in a saucepan over high heat and when it is very hot sear the beef pieces until they are golden brown. Set aside.
3. Add the onions, garlic and aji amarillo paste to the saucepan; stir and let them cook until the onions are soft and translucent.
4. Add the beef to the saucepan.
5. Pour the cilantro mixture and turn the heat to medium. Stir constantly until the water evaporates.
6. Pour 3 cups of beef broth and simmer over medium-low heat for 2 hours with the lid on. Check constantly and add more broth if necessary.
7. When the meat is fork tender add the potatoes, green peas, carrots, salt and pepper to taste; cook uncovered for 15 minutes or until the vegetables are tender.
8. The stew is ready when the veggies are cooked, and the juice is reduced.
9. Serve with white rice and Peruvian beans.

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Carrera Workplace Solutions specializes in Spanish language and bilingual trainings and workplace investigations with Spanish-speaking employees. Topics of trainings include discussions on diversity and inclusion, harassment prevention, discrimination, retaliation, and abusive conduct (bullying).

Contact us at [www.carreraworkplace.com](http://www.carreraworkplace.com) or by emailing [karen@carreraworkplace.com](mailto:karen@carreraworkplace.com). Karen Carrera, Esq. is a member of the Association of Workplace Investigators (AWI). Call us at 415-272-1244.

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