

Emails a trap for the unwary

The ease and spontaneity of emails can land an employee in hot water, writes Sophie Toomey | *November 01, 2008*

MOST of us use email every day of our working lives, but few think about how it might land us or our employers in hot water.



Shana Schreier Joffe says ill-considered emails easily lead to trouble. Picture: Bob Finlayson <http://www.theaustralian.news.com.au/story/0,,24578015-5010800,00.html>

Experts warn that negotiating the do's and don'ts of email can be a tricky area, and that "think before you send" is something every worker should make their motto.

On the plus side, the experts also say that those who are familiar with some simple rules of email etiquette and protocol are unlikely to offend or overstep any workplace boundaries.

Email is a form of communication that leaves plenty of room for misinterpretation and misunderstanding. As Margot Katz, author and executive coach, points out: "Only 7 per cent of our communication is actually the words we use -- 38 per cent is the sound of our voice and 55 per cent is body language. Is it any wonder then that relationships can go so wrong over email? We so often offend without realising or we're misinterpreted."

Nina Sunday of Brainpower Corporate Training stresses that what may come across as simple and to the point when said face-to-face may come across as rude when translated into email. "Without the benefit of body language and tone of voice there are instances where a perfectly simple communication can seem terse and even nasty. You may think that you are being brief, but the recipient may see it differently." Sunday recommends always adding words that clearly convey friendliness and courtesy: "Put in phrases like 'thank you', 'nice to talk to you' or 'thank you for your time'. They immediately set the tone as courteous and friendly."

Sunday says while at work an email is a business medium, and should fit within the rules of business communication -- not casual chit chat. Katz advises taking the culture of the recipient's organisation as a starting point, and then possibly varying your tone once you know the person a little better. "And remember that politeness is always going to be appropriate."

Sunday says for younger workers who have grown up on text, email and blogging, using email formally can be challenging. On your first day at work "starting an email with 'hi guys' is clearly not appropriate and possibly offensive. You have to wait at least until you know the environment before being informal. It may then be OK to drop the formalities, but it may not."

"Less is more" is another rule best applied to workplace emails. Harassing colleagues or clients with unnecessary, unpleasant or even overly familiar email contact is a no-no. That includes filling their inbox with jokes, cute pictures or inspirational mottos. Says Katz, "It is an unforgivable blunder to circulate chain mail at work. Not only does it appear unprofessional but it is a waste of work time. Save it for friends and family."

Sunday's next warning is to bear in mind that sending an email is final and can't be brought back. She advises pausing before sending if the email contains anything even slightly controversial or confrontational. "Remember the six-hour rule. If you write an email in anger wait at least six hours then re-read, revise, and then send." She further advises asking yourself if you would want a permanent record of what you are about to say. "If you don't want it out there for posterity, then don't press send."

Katz says emails are best avoided, where possible, if the content is not straightforward. "Get up and walk down the hall and have a conversation, or pick up the phone and actually speak." Sunday says this is doubly true where a disagreement is involved.

Another pet hate for Katz and Sunday is sloppy grammar. "Email may be instant, but it's a work piece and should be kept professional. Spelling and grammar count." Says Katz. Sunday says that the days of stream of consciousness emails without punctuation are over. "It has replaced the business letter and how you express yourself by email will reflect your professionalism -- or lack of it."

While sticking to rules of etiquette and grammar is important, staying within the law is vital. Shana Schreier Joffe, a partner at Harmer's workplace lawyers, says that many people would not be aware of the possible legal implications of an email's contents. While she stresses that most emails are not going to expose anyone to legal action, there are instances where email communication can lose you your job, cost you and your employer money, or expose you to criminal charges.

Schreier Joffe says a failure to take email communication seriously may be part of the reason email can be such a legal minefield. Says Schreier Joffe, "Email can be problematic when people at work think of it as informal and jot down their casual thoughts and send them. They end up saying things that they wouldn't if speaking to a colleague's face."

Schreier Joffe says another danger is the ease of distribution of email. "It's the press of a button and the information has gone to 100 people. It's just so quick. " A thoughtless email can mean serious problems when it comes to certain material. "Emails can constitute harassment or even defamation, and expose people to serious legal action." Jokes of a sexual or racist nature could be construed as discriminatory.

"Something like the circulating of a sexually explicit joke or a picture that is offensive to someone can be a problem because it can be construed as sexual harassment." Schreier Joffe says an email need not be forwarded specifically to a person for it to pose a legal risk. "You might work in an open-plan office and have an offensive picture open on your computer, or be laughing with colleagues while reading aloud an explicit joke from your email and someone walking past takes offence at the content. They may have a claim." Schreier Joffe says where the behaviour is part of a pattern of such acts, then a claim becomes even more likely.

There are other behaviours which should always be avoided in the office. "Uploading pornography is never going to be acceptable." Most companies block pornography but some content does break through. Schreier Joffe says that companies have a legal right to monitor and read employee emails when the employees have been informed it will be done.

Social networking sites have provided a whole new set of curly problems. As a general rule Schreier Joffe agrees that what you do outside work and how you publicise what you do is your business, but there are exceptions and even just activities that are not advisable for anyone with ambition. "Certainly your employer as a rule can't regulate what you do outside work hours and whether or not you decide to put photos of your activities on Facebook or MySpace will be your choice."

Schreier Joffe says problems will arise, however, if the outrageous activity you are posting pictures of has taken place at an after-work party or work-based social function. "In that situation you are essentially still at work and you should be aware of that and behave accordingly. The employer is going to be vicariously liable for the behaviour of an employee in such a situation." If you must dance on tables, then save it for the weekend.

Schreier Joffe says a company has a right to expect employees not to bring their company into disrepute even outside work. They could certainly ask them to tone down their out-of-work behaviour if it was going to affect their public reputation."