

## The Fine Art of Communications – Now Emojis Are Misunderstood

I often blog about communications, its importance, and how we often struggle with the fallout. If something is not properly written or verbally expressed in a certain manner, the point can be swiftly misinterpreted and create unintentional consequences. Enter the world of emojis – seemingly a harmless tool. I am not the greatest at texting nor Twitter and even resort, on very rare occasions, to the use of emojis when communicating with my family.

Apparently, certain emojis mean different things to different people. How can this issue warrant so much attention? After all, what could be bad about a harmless smiley face with sunglasses? Evidently, more than you think. I just stumbled across an article that caught my attention for several reasons:

- There is an actual “emoji law scholar” class at Santa Clara University School of Law – I guess this class replaces the old basket weaving class.
- From 2004-2018, there were 171 court opinions referencing emojis or emoticons (I guess an emoji relative), with the bulk of 89 cases occurring in the last two years!
- I can understand cases of harassment and discrimination when emojis are cited as evidence to support a claim, but those cases were actually in the minority.

These icons’ intended use is largely for fun and have become a way of life as they convey thoughts and feelings. So why would they be misinterpreted?

Different technologies depict emojis in different ways. For example, one that is transmitted via an iPhone or an email via Outlook transmit these quite differently. The problem even exists with different versions of the same operating system. Therefore, the sender thinks that he/she is sending a different message than is received and interpreted by the recipient. There is no universal standard dictionary definition for any given emoji. *What do folded hands mean anyhow?*

### What should companies do?

From a non-legal perspective – the most obvious is to simply institute a policy (yet another one) that prohibits the use of emojis in any business communications. Will employees abide by these? Companies like ours already have many codes of conduct – so would this be a big leap to also say not to use emojis? Also, do I really need to add additional language to the already long email disclaimer? *“If you see an emoji or other similar item, it is not the basis for any agreement or understanding.”*

Come to think about it, maybe when we are delivering bad news to a client we can insert a sad face or angry face to get our clients’ attention. Then, we can add another emoji for a favorable solution.



#### Emoji

*Noun /ˈɛɪmɔɪjə/  
A small digital image or icon  
used to express an idea, emotion, etc.*



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