



Emojis Run Amok?

A Picture Is Worth \$100,000

By Walter M. Foster

The old saying about a picture being worth a thousand words needs to be updated to “An emoji could be worth \$100,000 or more.”

As symbols infiltrate communications in the workplace, sexual harassment and discrimination claims from co-workers who receive suggestive or ambiguous emojis proliferate. Sent in the context of tense or ill-defined workplace relationships, seemingly innocent, harmless images can become ticking timebombs. Who would ever think that 😊 could be seen as evidence in a lawsuit?

From 😞 to 😬, every silly sentiment—some intended, other not—can be sent in the a second. Who sees them and what effect they have cannot be underestimated, however. Like words and actions, emojis have the potential to disrupt the workforce, trigger lawsuits and cost employers time and money. At best, then, emojis as part of work communications should be limited and, in the main, avoided.

Here are some situations where emojis have wreaked havoc.

What Did He Mean by That?

Emojis are highly subjective and, combined with words as part of a larger and ongoing conversation, can be taken in many different ways. Think of the “be quiet” emoji that has an index finger in front of its mouth coming at the end of any sentence that reads “Are you free after 5:00 pm today?”

Is the sender saying, “Keep this secret” or “Let’s you and I meet after hours”?

Or is the sender simply saying, with no suggestive intent whatsoever, “My work has me tied up until 5:00. Can we meet on that project we are working on after 5:00, but don’t tell the other team members”?

What if people almost always work until 7:00 pm? Does the meaning change? As with any oversimplified picture, the recipient can interpret the be quiet emoji in a way that was never intended by the sender.



A sexually suggestive message or seemingly innocuous symbol may have alternative meanings that harass or create a hostile environment. In particular, unclear messages can provide grounds for an expensive lawsuit when it arrives in the wake of a real-world incident such as the sender previously asking the recipient for a date and getting turned down.

For sexual harassment claims, intent does not save a company from a lawsuit. What matters is how a reasonable recipient would interpret the message.

Can't You Take a Joke? Jeesh!

Adding or responding with 🙄 or 😬 can change any message into something it is not meant to be.

Even when the emoji invokes a joke on its face (pun intended), it could have sexual connotations based on what it accompanies. Consider how responding with either the rolling on the floor and crying with laughter emoji or surprise emoji could be interpreted as mocking or leering when the original message described being dressed for casual Friday.

Again, intent is just too difficult to discern in such terse responses. Attempts at humor via emoji almost always go awry and can boomerang when a lawsuit is filed and such simple messages must be explained. A defense of "I was just joking" invariably falls flat for a jury or judge who will naturally ask, "Why didn't you just type out LOL?"

Too Much of a Good Thing

Overusing emojis is another trap for the unwary texter. Have you ever had someone not merely respond with 😊, but also send 🙌 and 💖 followed by 💖? Talk about overkill.

You know the other person loves it—whatever "it" is—but do they need to stress that they love it so much? What if it follows a message that a worker who has been out on sick leave is returning

to work? Does the emoji explosion simply express happiness that the sender's workload will go down, or does it reveal that they are in love with the returning co-worker?

If a message can be taken the wrong way, assume that it will be.

Oops! Didn't Mean to Send That.

Face and people emojis are now available in white, brown, black and many other skin tones. Quickly selecting and sending an emoji other than the one intended could deliver the wrong message. And, once sent, the careless message becomes a permanent record that, even if corrected immediately, one might see again in a courthouse.

Emoji Speak and Sarcasm

Just as troubling is when workers combine emojis in creative ways. Who hasn't seen 🙄 followed by 🙄 to mean "pandering," or 🍕 combined with 🙄 to mean "piece of sh*t"?

Although widely used outside the office to convey the opinion that someone is trying too hard to ingratiate themselves or making a truly terrible impression, such messages are fraught in a work context. No matter how much it is understood and grudgingly tolerated that workers will dis each other and their bosses behind each other's backs, creating a permanent record in the form of an emoji-enhance text message puts a worker in danger of being accused of hostility and engenders ill-will.

In short, ambiguous and easily misinterpreted emoji-speak does not contribute to a productive workplace and should only be shared between friends outside of work. Although employers probably cannot outright ban the use of emojis, discouraging the use of any and all emojis in work communications will be a step in the right direction away from the courthouse. 😊

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