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7 Topics You Should Never Address In Email



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Don't do any of the these no-no's. ICLIPART

By Dianna Booher—

If there's one key communication lesson we learn from politicians and corporate professionals who end up in court, it's this: What **not** to include in email. Recall all the extracted text messages and emails that have scrolled across the screen on network news.

Emails containing offensive remarks that appear on company equipment or servers make both the organization and you personally liable. Personal liability for email misuse involves misstatements, slander, defamation, harassment, and the like.

Your never-say-this list should match the following checklist of no-no's:

Performance Issues

Let's say that as you're negotiating for a raise, you ask to take on additional responsibilities to correct "problems and inefficiencies" in your department and division. Later, imagine yourself unexpectedly being called into a C-suite meeting to explain your "derogatory" and "disloyal" comments about the company in your email referencing "problems and inefficiencies."

An explanation of "good intentions" may or may not get you off the hook.

At other times, you may find yourself tempted to share your views about a specific coworker's or boss's performance: "*Jill, who is typically late,*" "*not pulling their weight,*" "*demanding that we respond within 4 hours,*" "*frequently skips project-update meetings.*" Such opinions can easily slip into an otherwise routine email to a close associate.

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But embarrassing things sometimes happen to emails—like being forwarded by the intended recipient (without their noticing the offending comment) to someone else involved in a project or situation. Other pass-on situations may not be accidental. After all, you can't possibly know all the internal networks and alliances, even those across divisional lines.

Competitor Untruths

Telling a prospect that in various studies the competitor's widget showed "undue stress on the engine that can shorten the life of the product" better be true and public knowledge. Even statements that *imply* untruths can lead you to court: "*untested,*" "*unfair labor practices,*" "*overly priced in the market,*" "*resulted from their cutting corners during the manufacturing process.*"

Lest you're asking yourself how a competitor would ever know about such comments in deleted emails, be aware that law firms use sophisticated software programs to find what they need to establish or manipulate liability in court.

Software exists to search emails for much more than obvious "hot words" (*tax liability, the IRS, the SEC, loopholes*). They can search for phrases that suggest someone is concerned about a problem: "*forced to take a leave of absence,*" "*serious concerns about this,*" "*force her off the board,*" "*fight back,*" "*can't let anyone get wind of this,*" "*turn any questions about this over to me directly,*" "*Be sure to delete this email.*" "*What about the legality of this?*"

Product or Service Liabilities

Ditto the concern about your own products or service offerings that could raise questions about liability.

Imagine that in a case involving your manufacturing process, your coworker Curtis copied you on his email when he raised this question to his supervisor: "Should we do more testing on the XYZ system before moving on to the next stage?" Now, you're "in the know" about that situation. There's a permanent email traffic record linking you to this information.

But let's say you don't respond to coworker Curtis because you consider it really something for the engineers to work out among themselves. After all,

you're just the salesperson. They copied you just as a courtesy in case there was a delay and the customer asked for a status about delivery dates.

In court, the attorneys will ask why **you** didn't take the "warning" seriously? Why no response? Were you concerned that the increased cost for more testing would lower company profits and your sales commission? Note how Curtis's earlier innocent question has morphed into a "warning."

You get the idea. If a nasty lawsuit develops, consider what such emails and traffic patterns discussed in court could do to damage your integrity. Even if you feel certain that your email doesn't address a legal matter, consider what those emails might do to keep you awake at night!

Compensation

Unless your organization has an open-book policy with regard to finances, stay away from discussing salaries, bonuses, commissions, rewards, or other special financial arrangements. Whether speculating or confirming such matters, you're trudging through sinking sand by stating such in emails.

Racial or Gender References

Enough said. You know better. Don't even think of putting that joke, story, or phrase in an email!

Reprimands

When you as supervisor email someone about a minor incident, the very act of "putting it in writing" causes them alarm. They tend to read, reread, and stew over the email, trying to read between the lines. How serious is this "warning"? Will the next email or call mean dismissal? Unless you really do intend your email to be official documentation of a warning, you'll get a far better reaction in talking about the matter rather than writing it.

Leadership Competencies

Complaining about the executive leadership team can be a constant in some organizations:

---*“They’re not listening to us, and we’re the people on the front lines.”*

---*“Hypocrisy is running rampant when it comes to budget-cutting. I’d like to see a senior executive take some responsibility when it comes to lost contracts.”*

---*“What we don’t need around here is more ivory-tower initiatives that just waste time when we could be doing real work.”*

Such comments often work their way to the top—when someone accidentally forwards your email to a third-party, who finds the complaint buried somewhere within the email thread.

The point: Be legally alert in our litigious society, where innocent, straightforward questions and statements can be misunderstood, twisted, and taken out of context.

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