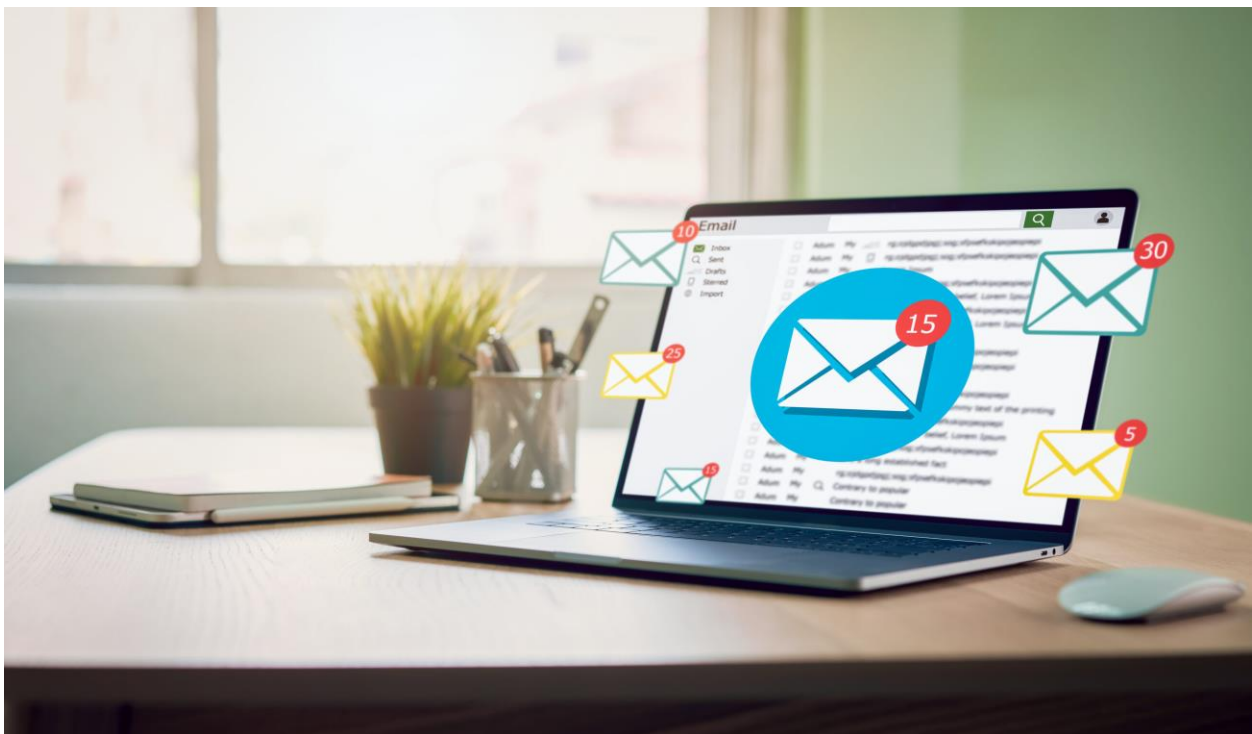


Can Differences in Communication Styles Among a Diverse Workforce Contribute to Discrimination Claims?

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In a world radically changed by the COVID-19 pandemic, the way we communicate in the workplace has been permanently altered with the integration of online communication platforms. Effective communication is essential to human functioning, including within the context of organizations and business entities. But the common workplace communication method changed swiftly when communication technologies replaced in-person communication that once typified office settings. While the integration of online communication platforms was a major contributor to the survival of many businesses, is it possible that these same communication platforms have the potential to exacerbate underlying differences among a diverse and remote workforce leading to increased employment litigation?

The 2021 Seventh Circuit case, *Presti v. Wolf*, illustrates how communication styles can come into play with respect to claims of discrimination. In *Presti*, the plaintiff claimed that negative performance reviews and an adverse employment action were based in part on her communication style rooted in her Italian culture. While her employer described her communication style as “confrontational” and “demanding,” the plaintiff described it as “open” and “direct.” Although the Court found against the plaintiff, the case illustrates that communication issues can develop into employment litigation especially in workplaces with a diverse or remote workforce.

Will the virtual communication systems exacerbate potential conflicts within a workforce arising from differences in communication styles that are inherent among different generations, cultures, and abilities, for example? With five generations of multi-cultural individuals employed in the workplace, we think the answer is “yes.”

Generational Differences

Most apparent may be the generational gap in online communication. Younger generations, raised unaware of a life without the iPhone, find comfort and efficiency in typed, short-form messages for communication. In contrast, the older generations may prefer a phone call as it most similarly imitates face-to-face conversation. On top of the stark differences in preferred methods of communication, different generations maintain unique understandings of “online etiquette” and appropriate correspondence for a specific issue. For example, regarding the use of emoticons or emojis, a Generation X, Millennial, or Generation Z individual may opt to express a positive attitude or excitement on an assignment through usage of a “smiley face” at the end of the email. What that person believes to be increased engagement, may be interpreted as unprofessional or immature to a co-worker from another generation.

Cultural Differences

Communication styles increase in complexity as the analysis strays from generational gaps to more immutable characteristics such as gender and national origin. Avoiding the trap of generalizations proves challenging when it comes to communication styles. Anthropologists such as Geert Hofstede have delved into cultural commonalities and patterns to understand complexities more clearly between cultures. Hofstede identifies six key concepts or “dimensions” that differentiate cultures:

- The extent to which a culture embraces the concept of individual independence (individualism) or expects more interdependence (individualism and collectivism dimension).
- The acceptance of hierarchical structures and resulting inequities in society (high and low power distance dimension).
- The extent to which a culture adopts traditional emotional gender roles and values competition. Masculine societies are more openly gendered than feminine societies (masculine and feminine dimension).
- The extent to which a culture seeks to reduce unpredictability through intolerance of non-conforming ideas and behavior, and values consensus, or is not threatened by

unique ideas or people, and is more accepting of uncertainty (high or low uncertainty avoidant dimension).

- The extent to which a culture incorporates non-verbal cues coupled with well-defined social protocols to communicate or relies on verbal communication for information and values self-expression (high context vs low context dimension).
- The emphasis a culture places on duty as it relates to a job or career over work-life balance (restrained vs indulgent dimension).

Each of the above six dimensions can affect the meaning and perception attributable to a communication between or among diverse groups that exist within the workplace.

Differences of Ability

Employers should also be aware of differences in communication for neurodivergent individuals or individuals with disabilities, such as autism, dyslexia, or speech impairments. To provide an example, individuals with autism may avoid eye contact, which can be perceived as rude, uninterest, or inattentiveness, or may have difficulty engaging in conversation on topics of which they do not hold any particular interest. As such, engaging in “small talk” may be challenging, and an employee with autism may be perceived as not being “personable” or “compatible” with their coworkers and supervisors.

Employers must be cognizant that not all employees will have the same communication preferences and should ensure that their employees with disabilities and communication challenges are treated equitably in the workplace. Failure to do so may result in lost opportunities with a talented pool of applicants and could create risk of disability discrimination claims.

Recommendations for Employers

In an increasingly globalized economy, acknowledging the diverse backgrounds that employees bring to the table is imperative for employers to fully understand the different communication styles in their workforce. Understanding differences in communication may help mitigate the risk of former or current employees from bringing claims of unlawful discrimination. Employers can take the following approach to increase their understanding of the communication styles that exist in their workplace:

Recognize and Capitalize on Differences. A solution driven approach starts from the very onset of hiring and onboarding, placing the onus on human resources and recruiting coordinators to understand the diverse communication styles of new hires more effectively. Consider using HR tools to increase metrics on communication styles.

Provide training on diverse communication styles. This might include training on cultural differences, generational differences, or differences due to an applicant or employee’s neurodiversity, such as autism.

Take Complaints Seriously and Be Wary of Assumptions. When faced with a workplace discrimination issue with potential legal implications for the company, the first question ought to be, "Why is this issue happening in the first place?" If an employee comes to human resources with a complaint of discrimination based on comments made by a supervisor, manager, or co-worker, the employer should consider communication styles as a potential source of conflict. Additionally, employers must be wary of performance reviews and comments by managerial or supervisory staff regarding an employee's "communication style." Wherever possible, an employer should ask for specific details regarding the breakdown in communication to determine exactly what happened and ensure that implicit or unconscious bias is not playing a role in the review.