

# WeirFoulds Employment Law Hot Takes: Employer Takeaways from Willy Nylander's Off-Duty Flip of the Bird

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By Seth Holland, Daniel Wong

The Toronto Maple Leafs forward, William Nylander, had been sidelined with an injury for two weeks, yet he still managed to be one of the team's biggest stories during that time for something that happened off the ice.

During the Leafs' 4 - 1 loss to the Colorado Avalanche at Scotiabank Arena, TV cameras captured Nylander in the press box with his teammates, where he then looked directly at the camera and stuck out his middle finger. The incident quickly elicited commentary on social media and from journalists about the inappropriateness of the gesture. It also prompted questions about whether it reflected broader issues with the team and its management amid a stretch where it lost 6 of its last 7 games. Nylander has since publicly apologized for the incident, clarifying the gesture was due to his frustration with his absence from the ice and was not directed towards fans. The NHL nevertheless fined Nylander \$5,000 for the inappropriate gesture, stating that the fine "serves as a reminder the code of conduct governing players extends throughout the arena at NHL games and in public game situations."

The incident is a good reminder for employers that an employee's conduct while off duty can have employment consequences. Off duty conduct can be grounds for discipline, including termination for cause, where that conduct has a tangible connection to the workplace. This includes situations where the conduct that harms the employer's reputation, renders the employee unable to perform their duties, or leads co-workers to justifiably refuse or hesitate to work with them. Just like the NHL, employers should have a code of conduct that clearly sets out the employer's expectations for employee behaviour that can extend to off duty conduct.

What happens off duty can lead to serious consequences, and the [Employment & Labour Group](#) at WeirFoulds is always on duty to advise employers on workplace issues. Please do not hesitate to reach out with any questions.

***The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.***

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