

Massachusetts Jury Returns First PFML Retaliation Verdict in Favor of Plaintiff

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On April 27, 2026, a Suffolk Superior Court jury returned a substantial verdict in favor of a plaintiff, Mary Boyle, who sued her former employer, Wayfair, for retaliating against her for exercising her rights under the Massachusetts Paid Family and Medical Leave law (the “PFML”). Specifically, the jury awarded Ms. Boyle \$600,000 for emotional distress, more than \$75,000 in backpay, and \$4 million in punitive damages. Not only is the size of the jury award noteworthy, the case is a landmark because it is the first case in which an employer has been found liable for violating the retaliation provision of the PFML, which went into effect in 2021.

The PFML provides eligible employees with up to 12 weeks of job-protected paid family leave, up to 20 weeks of job-protected paid medical leave, or up to 26 weeks of combined paid family and medical leave in a single benefit year.

The PFML also provides that “any negative change in the seniority, status, employment benefits, pay or other terms or conditions of employment” within the employee’s first six months after returning from a PFML leave will be *presumed* to constitute retaliation for utilizing the statutorily-protected benefit. Moreover, unlike other employment laws with anti-retaliation provisions, which place the burden of proof on *plaintiffs* to prove claims of retaliation and only require employers to proffer a legitimate, non-retaliatory reason for the personnel action, the PFML places the burden directly on *employers* to rebut that presumption (which must be done with “clear and convincing” evidence showing that their actions were legitimate and non-retaliatory). As a result, it is not unusual for an employer to wait until that six-month “presumption period” has expired before taking any otherwise-planned employment



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action against employees returning from a PFML leave. However, it is important to note that even after that six-month period, an employee or former employee may still pursue a PFML retaliation claim against their employer, although the presumption of retaliation will not apply.

In this case, Wayfair terminated Ms. Boyle's employment approximately 45 days after she returned from her PFML leave. Despite her poor job performance review and placement on a performance improvement plan, the jury still found that Wayfair had indeed discriminated against her as a result of taking the leave – likely in part due to testimony that a manager claimed the plaintiff was “faking health issues to... avoid being fired.”

While the evidence was mixed, the jury's decision in this case is a stark reminder to employers about the severity of a PFML retaliation finding, as well as an insight into the likelihood of such a finding. Accordingly, Massachusetts employers should exercise extreme caution in implementing any negative employment actions with employees who have taken PFML leave, particularly when such actions occur within the first six months of an employee's return from such leave.

If you have any questions or concerns about the Boyle v. Wayfair case, employers' obligations under the PFML, or the potential risks involved in disciplining and/or terminating employees who have taken PFML leave, please do not hesitate to contact a member of Mirick's Labor and Employment team.

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