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PFMLA Retaliation Verdict: Jury Awards $4.7M Against Wayfair

By Michelle De Oliveira on July 6, 2026

On April 27, 2026, a Suffolk Superior Court jury issued what appears to be the first plaintiff-side verdict validating a retaliation claim under the Massachusetts Paid Family and Medical Leave Act (PFMLA). In *Boyle v. Wayfair*, the jury awarded Plaintiff Mary Boyle approximately $4.7 million on her retaliation claims under the Massachusetts Fair Employment Practices Act (M.G.L. c. 151B) and the PFMLA.

Factual Background

On April 1, 2019, Boyle joined Wayfair as a Senior Manager and transitioned to a Program Manager role in August 2019. She received "meets expectations" ratings in her performance reviews, and her supervisors had noted certain areas of improvement.

On September 18, 2020, her supervisor allegedly told her that she needed to find a different position because "she just doesn't fit in," and then assigned her to a labor-intensive project that she allegedly could not reasonably complete by the deadline. Boyle reported concerns about what she believed to be discriminatory treatment. Following an internal investigation, Wayfair concluded that no discrimination had occurred.

Boyle was then hospitalized and took PFMLA and FMLA leave from October 2020 through June 2021. While on leave, she received a performance review in which she received the lowest performance rating possible. Boyle alleged that her end-of-year bonus was reduced by 50%, she was denied an annual pay raise, and Wayfair changed her position while she was on leave.

Merely eight days after returning from PFMLA leave, Boyle was placed on a performance improvement plan—and merely 10 weeks after returning from PFMLA leave, Wayfair terminated Boyle's employment due to alleged performance issues.

Following a jury trial, Boyle was awarded $4M in punitive damages, $600,000 for emotional distress, and more than $75,000 in back pay against Wayfair

Key Takeaways

Although the jury verdict stemmed from retaliation claims under both the PFMLA and the Massachusetts Fair Employment Practices Act, this case is the first—of what may be many—cases that affirm PFMLA retaliation protections.

Under the PFMLA, any negative change in an employee's status, pay, benefits, or other terms and conditions of employment while the employee is on leave or within the first six

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months following their return from leave is presumed to be retaliatory. There is an automatic presumption of retaliation that attaches—and the burden rests on the employer to rebut it.

To rebut the presumption, the employer must provide "clear and convincing evidence" that the action was not retaliatory—and that the employer had sufficient independent justification for the action, and that it would have taken the same action in the same manner and at the same time, regardless of whether the employee was on leave. This is a high burden to meet, and in this case, Wayfair evidently failed to meet its burden of proof.

With this backdrop in mind, employers should take proactive steps to reduce legal risk and minimize potential legal exposure, including:

- Providing regular, comprehensive training to managers and HR professionals to ensure they understand the PFMLA's requirements and are equipped to implement best practices.
- Reinforcing effective performance management practices by ensuring managers are, among other things, trained on *how* to document performance issues.
- Consulting with employment counsel before making disciplinary or other adverse employment decisions involving employees who are on PFMLA leave or who have recently returned from leave to help assess legal risks.

Our team will continue to monitor legal developments relating to PFMLA, businesses with questions are encouraged to contact an RIW employment attorney for additional information.

Michelle De Oliveira *is a shareholder of the firm and a member of the* ***Employment Law Group****, where she focuses her practice on employment law, providing counseling and legal representation in both litigation and pre-litigation disputes. Michelle advises businesses on a wide range of matters, including wage and hour compliance, hiring and termination practices, leaves of absence, discrimination and harassment, reasonable accommodations, restrictive covenants, and employment-related agreements. You can reach Michelle at* ***mmd@riw.com*** *or* ***(617) 570-3533****.*

Devin Scarborough *is a summer clerk at the firm and contributed to this article. She is a rising 3L at the University of Cincinnati College of Law and a member of the University of Cincinnati Law Review.* ***You can reach her on LinkedIn here****.*

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