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Client Alert: Wayfair Employee Wins \$4.75M in First MA PFML Retaliation Jury Verdict

BY TRACY THOMAS BOLAND AND CHELSIE A. VOKES • MAY 27, 2026

In the first Massachusetts jury verdict to uphold a retaliation claim under the [Massachusetts Paid Family and Medical Leave Act](#) (“PFML”), a Suffolk Superior Court jury ordered Wayfair to pay approximately \$4.75 million to its former employee. While the employee alleged that her termination stemmed from both discrimination based on age and retaliation against her use of PFML and her complaint of age discrimination, the jury only upheld the PFML and complaint-based retaliation claim.

The employee, a senior manager at Wayfair, took an extended medical leave under the PFML law. After returning to work, she was placed on a performance improvement plan (PIP) and later terminated. Wayfair argued that the dismissal resulted from documented performance problems that predated her leave. However, the jury concluded that the company’s actions constituted unlawful retaliation connected to her use of PFML as well as to her complaint of age discrimination.

The jury in this case was presented with a unique feature of the PFML law: when an employer takes adverse action against an employee within six months of the employee’s return from PFML, the law creates a presumption of retaliation. In that situation, the employer—not the employee—must overcome the presumption by presenting “clear and convincing” evidence that the action was justified and unrelated to the leave. This is a significantly higher burden than the standard required to overcome a discrimination claim and a federal Family and Medical Leave Act retaliation claim.

While we do not know what the jury relied upon in their deliberations, the case involved several allegations that, if true, could have contributed to this jury finding. Namely, the employee alleged the following:

- That scrutiny of her performance was heightened following her return from PFML leave.
- That Wayfair failed to provide her with clear and consistent expectations and feedback.
- That her supervisor openly questioned whether the employee was taking protected leave to avoid being fired.

The damages award included substantial punitive damages, emotional-distress damages, and back pay, illustrating the potentially severe financial consequences for employers that cannot rebut the statutory presumption of retaliation.

EMPLOYER TAKEAWAY

Massachusetts employers should exercise exceptional caution when disciplining, demoting, or terminating employees

who have recently returned from PFML leave. Even where an employer has documentation of performance deficiencies, that evidence may not be sufficient to satisfy the PFML law's heightened "clear and convincing" standard. The verdict serves as a warning that employment decisions made during the six-month post-leave period will face close scrutiny from juries and courts. This is not to say that employers should never take any adverse action against their employees who have returned from PFML leave but, rather, that they need to do so carefully and often with the support of their [employment counsel](#).