

CLIENT ALERT: Massachusetts Court Limits PFML Liability to Employers, Shielding Individual Directors and Officers

The Massachusetts Suffolk Superior Court recently issued a significant decision in [*Laughlin v. BinStar, Inc., et al.* \(Civil No. 25-1625-BLS1\)](#), clarifying that the Massachusetts Paid Family and Medical Leave Act (PFML) does not provide for individual liability, distinguishing it from other employment statutes like the Massachusetts Wage Act or the Fair Employment Practices Act (Chapter 151B).

Background of the Case

The plaintiff, a former CEO and co-founder, brought suit against two individual directors and a venture capital firm following the dissolution of his company. Among his various claims, the plaintiff alleged that the individual defendants interfered with his PFML rights and retaliated against him for taking protected leave by sending over 60 messages demanding he perform “CEO-level duties” while he was out on leave.

The individual defendants moved to dismiss, arguing that as directors on the company board, they did not fall within the PFML’s statutory definition of an “employer” and therefore could not be held personally liable under the statute.

The Rejection of Individual Liability and “Aiding and Abetting”

In his decision, Judge Peter B. Krupp allowed the motion to dismiss the PFML claims against the individual defendants, centering his analysis on the scope of the term “employer” under the PFML:

- **Statutory Definition:** The court noted that the PFML incorporates the definition of “employer” from the Massachusetts unemployment statute (M.G.L. c. 151A) which defines an “employer” as:

“ ‘any employing unit,’ that is, ‘any individual or type of organization...who or which has or...had one or more individuals performing services for him or it’ ”.

The judge reasoned that, unlike the Massachusetts Wage Act, the PFML statute does not explicitly include specifically enumerated company positions, or corporate officers or managers who exercise control over the business, within its definition of “employer.” Consequently, the court held that because the legislature chose to omit such language, it would not “import” individual liability where the statute remained silent.

- **No “Aiding and Abetting” Liability:** Similarly, the court rejected the plaintiff’s alternative argument for extending liability to the individual defendants via an “aiding and abetting” theory. While Chapter 151B (the state’s anti-discrimination law) contains specific language making it unlawful to aid or abet a violation under the statute, the court observed that the PFML contains no such provision. As a result, Judge Krupp again declined to “import” a cause of action that the legislature chose to omit.

Employer Takeaways

- **Individuals Shielded From Liability under PFML:** This ruling clarifies that even where a plaintiff adequately alleges a potential PFML violation, such claims cannot be brought against individual supervisors and board members who do not meet the PFML’s definition of an “employer” as defined under Chapter 151A.
- **Risk of Liability Under Other Statutes Protecting Employees:** While individuals may be shielded from liability under the PFML, executives and managers should remain cautious and cognizant of their legal obligations under the PFML and other employment laws. The same conduct that triggers a PFML claim may also support claims under other employment laws, such as the federal Family Medical Leave Act (FMLA) or Chapter 151B, both of which allow for individual liability.
- **Ongoing Entity Risk:** While individuals may be shielded from personal liability, the court’s decision did not address the underlying merits of the interference claim against the company itself. To mitigate the risk of the organization facing PFML interference or retaliation claims, employers should ensure that communication with employees on leave is

handled only by specifically designated personnel—ideally from Human Resources—and that any necessary outreach is kept to a minimum.

- **Establish Contingency Plans:** To mitigate the risk of interference claims, employers should proactively establish contingency plans or practices for handling the essential job responsibilities of key employees who take an unexpected and significant leave of absence. Having such practices in place allows employers to effectively manage an employee's job duties in their absence without inviting the risk associated with contacting the employee while they are out on leave.

Employers with questions regarding the impact of the *Laughlin* decision and best practices for communicating with employees who are taking a protected leave of absence are encouraged to consult with their MBJ attorney.

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