

# Put an immediate stop to co-worker harassment over FMLA use

The FMLA was enacted in part to give workers a chance to balance their personal responsibilities and their work lives. For example, by allowing job-protected leave to bond with a newborn or newly adopted child, parents can rest secure knowing they can welcome the child and return to work.

Some supervisors and co-workers who don't have children may resent having to pick up the perceived slack while the new mom or dad is home with their bundle of joy. The same may be true if other employees view someone's FMLA use as frivolous or unnecessary. When co-workers or supervisors ridicule other employees for using FMLA leave, that may be retaliation.

That's why it's important to remind all employees that FMLA leave is a right and taking it should not be grounds for criticism.

**Recent case:** Thomas is a deputy sheriff who suffers from post-traumatic stress disorder and high blood pressure. His doctor restricted his workday to no more than 12 hours and his workweek to no more than 48 hours. When Thomas began using FMLA leave to cut his hours to fit his medical restrictions, fellow officers began mocking him.

Thomas eventually sued, alleging retaliation for taking FMLA leave.

The court said a jury will decide if being ridiculed can constitute retaliation for taking protected FMLA leave. (*Boyce v. Erie County*, No. 13-CV-619, WD, NY, 2014)

**Final note:** Employees are entitled to medical privacy. There is no reason to tell other workers why an employee has taken FMLA leave.