

THE NEW PLUS-ONE: BABIES IN THE WORKPLACE

Publication
Feb 28, 2020

You may have heard of “Bring Your Child to Work Day,” but have you ever heard of “Bring Your Baby to Work Every Day”? Many of you likely just scoffed at the idea. Simply put, a baby cannot be an employee so therefore they have no place at work, right? General workplace norms have held fast to that belief, causing working parents to make difficult decisions with limited choices about returning to their jobs and caregiving once their child is born. Consequently, employers and businesses often experience vital changes to their workforce in the form of staffing, productivity, costs, efficiency, and reliability.

But some employers are challenging the norm and finding a creative solution to the age-old dilemma through implementation of “infant at work” policies. Employers participating in this increasingly popular option make work and parenting synonymous concepts by providing an inclusive, supportive environment that reaps holistic benefits for employees and their families, employers, and businesses.

BABY ON BOARD – AT THE OFFICE

From a statistical standpoint, there are some reasons why infant-at-work policies are making sense for employers and employees alike. According to the U.S. Bureau of Statistics, nearly 40% of families (including single parents) in America have children under age 18. Meanwhile, both parents are employed in 63% of two-parent families.

Without the safety net of an infant-at-work policy, employers are missing out on a large subset of workers. In

Related People



Erin Price

Partner

916.210.0382

Service Focus

Counseling and Advice

Pay Equity and Transparency

2018, women represented approximately 46.9% of the total workforce nationwide, but approximately one-third of mothers do not return to work after having a baby, due in part to the expense of childcare.

A good example can be found in California. The state is ranked 11th as the most expensive childcare in the nation, with the average cost of child care estimated at \$11,817 per year or \$985 per month. For a typical family in California, child care costs would eat up 25% of their annual income. Childcare costs are highest for infants than any other age.

Overall, these statistics demonstrate that working families face a challenging choice between returning to work and placing the child in daycare or staying home until the child is older. Whereas one requires significant time away from the infant and a sizable portion of household income, the other is often financially infeasible.

WHEN THE PROS OUTWEIGH THE CONS

The alternative option is bringing an infant to work, which has numerous benefits that often dispel any perceived disadvantages. Some of the obvious concerns include disruption to the work environment, added stress to the parent-employee who is trying to perform while managing a child, failure to complete work, distraction, and liability concerns.

Surprisingly, employers with infant-at-work policies have found that disruption is minimal because the responsive parent can easily soothe the infant's needs. Infants are happier and calmer than anticipated because of the constant physical proximity to the parent. Physical proximity also allows mothers to easily breastfeed, which results in greater protection against certain cancers in the mother, as well as optimal growth and development and decreased risk of illness for the infant.

Additionally, parents invest in doing their jobs well because they simultaneously spend time with the infant, earn a paycheck, and are physically present in their career without thinking about getting home to the infant or picking the infant up from daycare. In turn, the parent in fact works more, increases productivity, and decreases sick time. After the initial novelty wears off, babies become a fixture rather than a distraction. Other employees may also bond with the

infant and provide support when the parent is occupied with work tasks. Lastly, liability concerns can be addressed through waivers assuring employers that the employee cannot hold the company responsible for accidents that might occur at the office.

As a result of the benefits to the parent and infant, employers and businesses can experience the following: earlier return to work dates for parent-employees; increased retention, especially of women in the workplace; reduced costs associated with hiring new employees; improved productivity; reduced healthcare costs as the infant and parent are healthier; increased community focus in the workplace between infant, parent, and coworkers; and improved public perception as a family-friendly business.

POLICY AND PRACTICE

When welcoming babies into the workplace, an infant-at-work policy that has a clear structure, sets employer expectations, and provides for flexibility will facilitate maximum benefits. You should first consider eligibility requirements by determining which new parents can take advantage of the policy (full-time or part-time employees, or both). You should also determine when employees will no longer be able to bring their infant to work: once the child is a certain number of months old, or begins to crawl, or whichever comes first.

Second, in the event the parent-employee is occupied with a work task, you may require the parent to select two other employees to provide back-up care for the infant. These are workers not simultaneously participating in the program who consent to serve as an alternate care provider. Third, consider preparing individualized plans specifying what days the child will be in the office. Fourth, determine whether there will be a trial period before the program becomes permanent for each employee. While the program may appear workable in the abstract, it may not be suitable once the infant and parent are in the workplace.

You should also consider a termination procedure detailing when the program will end, either when the infant reaches the eligibility limit or when a termination decision is made following a complaint process that suggests discontinuation of the individual infant and parent in the program is the appropriate course of action. You may specify the factors it

will take into consideration in reaching a termination decision, such as decline in performance and interference with business operations, and may also include a notice period before termination of the program.

Infant-at-work policies can fit seamlessly with policies that many employers should already have in place, including lactation accommodation requirements that require you to provide for breastfeeding facilities with specific amenities. Additionally, lawsuits involving family responsibility discrimination or parental status discrimination – which is employment discrimination because of an employee's caregiver obligations – are increasingly common. While parental status is not a protected basis under federal law or most state laws, it is often alleged as the basis for sex, gender, marital status, or childbirth discrimination, and is prohibited by the Equal Employment Opportunity Commission.

Consider a female employee who has to leave work by 4:00 p.m. every day to pick her child up from day care, is not promoted as a result, and files a sex discrimination claim. An employer with an infant-at-work policy could reduce the likelihood of such a claim by permitting the employee to bring her baby to work thereby extending her workday.

NOBODY PUTS BABY IN A CORNER...BUT MAYBE A CUBICLE WILL WORK

Community and family values are easily gained by employers who assist employees in balancing their careers and parenting. Infant-at-work policies can be implemented with minimal investment as long as there are clear rules and expectations.

Of course, each baby, parent, and business is different. Employers that embrace this modern idea should heed traditional practices of oversight and flexibility to ensure that the policy evolves to fit its unique needs. Regardless of the business, utilizing this low-cost option creates a more positive, productive culture, as well as marrying career and family interests where the two were once mutually exclusive.

For more information, contact the author at EPrice@fisherphillips.com or 916.210.0382.