

## Do babies belong in the workplace?

*Alberta councillor faces public criticism for bringing baby to work*

BY AMANDA SILLIKER

**KARA WESTLUND IS** a full-time municipal councillor in Brazeau County in Alberta who regularly brings her infant daughter to meetings. In February, Westlund was publicly criticized for this by a fellow councillor in the local newspaper, the *Breton Booster*.

"It appears that our new council chambers and meeting room has been turned into a nursery by one of our councillors," Coun. Pat Monteith wrote. "Personally, I am finding it disruptive and distracting. More importantly, how do you feel about your tax dollars going to pay someone to care for her own child?"

When she was pregnant, Westlund asked fellow council members if it would be alright if she brought her newborn to council meetings for the first few months and they agreed. She had no idea Monteith — who sits next to her in the council chamber — was upset with the baby's presence until she read the column, according to a CBC article.

"I think it's short-sighted and not as empathetic as it could be," said Lisa Martin, CEO of executive pathfinder and leadership coaching consultancy Lisa Martin International. "There's a lack of 'Walk in my shoes.' When you're in that position of having a young baby, there are a lot of demands on you and there are certain circumstances and situations where you need to bring your baby with you."

This incident came weeks after Quebec NDP MP Sana Hassainia said she was asked by a parliamentary page to leave the House of Commons before a vote because she was holding her three-month-old son. But the Speaker's office said this was a misunderstanding and Hassainia is welcome in the chamber with her son.

Parents should only bring their babies to work in an emergency situation where they have absolutely no other choice, said Linda Duxbury, a professor at Carleton University's Sprott School of Business in Ottawa and a long-time researcher on work-life balance.

"It should be a very rare exception when women bring babies to work," she said. "I

can see that there might be the odd time when it has to happen but I think it should be an exception, not the norm."

Pregnancy, and pregnancy-related circumstances, and family status — which includes the parent-child relationship — are protected under the Canadian Human Rights Act and similar provincial codes.

"Employers should be mindful of their obligations under (their provincial) human rights code at all times, especially when dealing with pregnancy or children. You're bringing up two important grounds of the code and it's going to trigger a duty to accommodate in most situations," said Wade Poziomka, a lawyer at Ross & McBride in Hamilton.

From a human rights perspective, it would be a reasonable accommodation for an employer to allow an employee to bring her baby to work in an emergency as long as it does not cause undue hardship, he said. To prove undue hardship, an employer would have to show bringing a baby into the workplace would cause unreasonable difficulties based on health, safety or financial considerations because of the type of work it does, the industry it's in or its specific circumstances.

"Under the Occupational Health and Safety Act in Ontario, employers are liable for the health and safety of everyone in their workplace. So, are you going to let a baby work on a factory line with moving parts with the mother? Probably not, because it will put the baby in danger and letting the baby come there would be undue hardship," said Poziomka.

Greg Evans, principle partner of Evans Fraser Law Corporation in Winnipeg, encourages employees to bring their babies to work when they are in a pinch, he said.

"I'd rather have them bring their kids to work and we'll accommodate for work rather than losing the workday," said Evans.

Would you rather a worker who's not there at all because she has to take care of her baby or who's there 75 per cent, with her baby, he asked.

There are a variety of simple accommodations employers can make for employees who need to bring their baby to work, such

as providing a playpen, children's books and toys, said Evans.

And if the employee is breastfeeding, the employer has a duty to accommodate by providing a private room, where she can breastfeed the baby or express milk, and allowing for extra breaks throughout the day to do so, said Poziomka.

Another reasonable accommodation would be for the employer to allow the employee to work in an empty room or an available office space for the day so the baby does not disturb other employees, said Poziomka.

To reduce the impact the baby has on co-workers, employers should set some behavioural guidelines such as removing the baby from the work area if she starts crying or not allowing babies in boardrooms.

"New moms who bring their babies to work, of all people, they're probably the most self-conscious about how their baby is behaving and ensuring they're the least intrusive as possible," said Martin, who is based in North Vancouver, B.C.

Evans is also willing to accommodate babies in the workplace on a more frequent basis, not just for emergencies. At one point, his business partner brought her infant twins to the office three days per week, he said. While no one has young children at the firm right now, he would certainly welcome it again and he has "no issues with people bringing babies to work."

"We have changing demographics, certainly with lawyers. They're graduating more women lawyers than men lawyers now in our law schools so I think it's an inevitable fact that we're going to have to deal with the changing needs of our workforces," said Evans.

But employers need to set and enforce boundaries around work and family life, said Duxbury. The boundaries have become "very, very blurry," she said, and the more blurry they become, the more problematic it is for employees' workloads, stress levels and mental and physical health.

"Quite frankly, we've been saying for decades employers shouldn't expect you to take work home to do in the evenings, on week-

ends, they shouldn't expect you to answer emails on vacation time. We're saying that so then we can't turn around and say, 'But we expect you to make accommodations so we can bring our children to work' — it goes both ways here."