

# Service Animals

A person who uses a service animal has the right to live, work, shop, travel, enter places and obtain services in the same manner as a person who does not rely on a service animal.

## What is a Service Animal?

A service animal is trained to assist a person with a disability. The work performed by a service animal must be directly related to a person's intellectual, mental or physical disability.

## How do you recognize a Service Animal?

- The animal's collar, harness, or vest identifies them as a service animal. The vest may or may not have the logo of a recognized animal training facility; OR
- The handler has a letter or card issued by a recognized animal training organization; OR
- The handler identifies how the animal has been trained to assist with their disability.

At present, there is no standardized identification or certification of service animals on P.E.I.

If the animal is clearly marked as a service animal and is behaving appropriately, the handler should not have to provide confirmation that it is a service animal.

## Not all animals are protected.

Pets are not protected by the *Human Rights Act*.

Animals that provide comfort and companionship but are not trained to assist with a person's disability are not protected by the PEI *Human Rights Act*.



*Jared the service dog works, while Maureen Williams serves a pre-meal glass of water to handler Frank Larkin at the Water Prince Corner Shop.*

## Examples of work performed by Service Animals.

There are many visible and non-visible disabilities for which service animals have been trained to provide assistance. For example:

- Guiding a person who is blind;
- Alerting a person who is deaf;
- Assisting a person who uses a wheelchair;
- Alerting or protecting a person who is having a seizure;
- Removing a person who has PTSD from a stressful situation; or
- Distracting a person from repetitive and obsessive thoughts or actions.

No one should interfere with, pet, or feed a service animal without permission from the animal's handler.



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## Obligations of a Handler.

Handlers should outfit their animal with a service collar, harness, or vest. If the animal is certified, the handler may be able to provide a training certificate or similar documentation.

Handlers should be able to identify what service(s) the animal has been trained to provide without having to disclose their disability.

Handlers should control the animal's behaviour. Handlers may be refused access or asked to leave if the service animal is misbehaving (such as barking, snapping, defecating, or whining excessively). In such cases, handlers should be able to obtain the service without the animal.

Handlers should not feed service animals in restaurants and the service animal should not occupy a seat.

Handlers may be responsible for injuries to people or property caused by the service animal.

## Duty to Accommodate.

Service providers, business owners, landlords and employers are required to accommodate or support the attendance of a service animal.

**Examples:** A "no pets" policy in a hotel, apartment, or restaurant does not apply to service animals.

Taxi drivers must not refuse to provide services to individuals who rely on service animals.

Hotels should not require a damage deposit or charge a cleaning fee for a service animal where such deposits might be required for guests with pets.

An employer may have to allow an employee with a service animal to take breaks at specific times to enable them to feed or walk the animal.

## Exceptions to the Duty to Accommodate.

The duty to accommodate does not mean that every accommodation request must be granted.

In rare cases, accommodating a person with a service animal could represent an undue hardship.

**Example:** Restricting service animals from sterile or other protected areas, such as a food preparation area, operating room, or laboratory may be justified.

Sometimes a service provider or employer may have to balance the rights of more than one person.

**Example:** The employer of a taxi driver who has a disabling allergy to the service animal may have to make other arrangements to accommodate the person with a service animal.

Minor irritation, limited financial costs, preference of other customers, or unsupported fears of property damage do not represent undue hardship.

## What questions may an Employer, Landlord, or Service Provider ask?

When the purpose of a service animal is not obvious, it may be appropriate to ask:

- Is the animal assisting you with a disability?
- What assistance has the animal been trained to provide related to your disability?

It is not appropriate to ask questions about a person's diagnosis or to ask handlers to demonstrate the tasks for which the service animal is trained.

Questions should always be asked with respect and understanding and only if necessary.

## Human Rights: Everyone's Responsibility

The Commission develops Fact Sheets to provide the public with a basic understanding of issues arising under the *Human Rights Act*. Each situation is unique. This is not legal advice. If you have any questions, feel free to contact the Commission.

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