

PROVINCIAL HUMAN RIGHT'S CHARTERS AND CODES REGARDING SERVICE DOGS

BRITISH COLUMBIA

HUMAN RIGHTS CODE [RSBC 1996] CHAPTER 210

“Discrimination in accommodation, service and facility

8 (1) A person must not, without a bona fide and reasonable justification,

(a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or

(b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons.

(2) A person does not contravene this section by discriminating

(a) on the basis of sex, if the discrimination relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of life or health insurance, or

(b) on the basis of physical or mental disability or age, if the discrimination relates to the determination of premiums or benefits under contracts of life or health insurance.

- HUMAN RIGHTS CODE [RSBC 1996] CHAPTER 210: Prohibits discrimination and the BC Human Rights Act is the primary protection against discrimination of people with Service or Guide Dogs in BC. The Human Rights Act prevails over any other law.
- **Applying for a special Guide and Service Dog Act (GSDA) card is no longer required to be guaranteed access**, but if you get one, there are additional fines if someone denies you access and you have a card.
- **GUIDE DOG AND SERVICE DOG ACT**
Defines “blind person”, “certificate”, “certified”, “dog trainer”, “dog-in-training”, “dog-in-training team”, “guide dog”, “guide dog team”, “person with a disability”, “registrar”, “retired guide or service dog team”, “service dog”, and “service dog team”
Defines how Service and Guide dogs may be Certified:

- Trainers and teams must be certified by an ADI (Assistance Dogs International) or the IGDF (International Guide Dog Federation) trainer. If a Dog has not been trained by ADI or IGDF then the Service Dog Handler may optionally make an application to the Province of BC to have the Dog tested by The Justice Institute of British Columbia at a cost to the Handler. (This is optional and not a requirement to be protected from discrimination). **You do not need the BC ID card**
- Provides access rights
Guide and Service Dogs must not be placed on a seat or chair in any conveyance (like a bus) or a place that people sit in a food service establishment. Dogs must be leashed at all times. No person may charge an extra fee to allow the Service or Guide dog on the premise. No person can interfere with the access guaranteed by the Act. Provides penalties for non-compliance and false representation. BC issues Governmental ID to the Service Dog Team.

SPECIAL CONSIDERATION:

BC NO longer requires their Government ID card. It is only recommended. Without one, you are still protected from discrimination.

ALBERTA

SERVICE DOGS ACT Chapter S-7.5

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “disabled person” means an individual who has any degree of disability except blindness or visual impairment and is dependent upon a service dog;
- (b) “Minister” means the Minister determined under [section 16](#) of the [Government Organization Act](#) as the Minister responsible for this Act;
- (c) “service dog” means a dog trained as a guide for a disabled person and having the qualifications prescribed by the regulations.

Application of the Act

2(1) This Act applies notwithstanding any other Act or any regulation, bylaw or rule made under that Act.

(2) Nothing in this Act derogates from any right, privilege or obligation of blind persons arising from the *Blind Persons' Rights Act* or any other law.

(3) This Act binds the Crown.

Discriminatory practices prohibited

3(1) No person, directly or indirectly, alone or with another, by himself or herself or by the interposition of another, shall

(a) deny to any person the accommodation, services or facilities available in any place to which the public is customarily admitted, or

(b) discriminate against any person with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted or the charges for the use of them, for the reason that the person is a disabled, person accompanied by a service dog, or a certified dog-trainer

(a) deny to any person occupancy of any self-contained dwelling unit, or

(b) discriminate against any person with respect to any term or condition of occupancy of any self-contained dwelling unit,

for the reason that the person is a disabled person keeping or customarily accompanied by a service dog.

(3) Nothing in this section shall be construed to entitle

(a) a disabled person to require any accommodation, service or facility in respect of a service dog other than the right to be accompanied by the service dog, or

(b) a certified dog-trainer to require any accommodation, service or facility in respect of a dog in training other than the right to be accompanied by the dog in training.

(4) This section does not apply if the disabled person does not control the behaviour of the service dog or the certified dog-trainer does not control the behaviour of the dog in training.

Identification of service dogs

4(1) The Minister, or a person designated by the Minister in writing, may, on application, issue to a disabled person an identification card identifying the disabled person and that person's service dog.

(2) An identification card issued under subsection (1) is proof, in the absence of evidence to the contrary, that the disabled person and that person's service dog identified in it are qualified for the purposes of this Act.

(3) Any person to whom an identification card is issued under subsection (1) shall, on the request of the Minister or the person designated by the Minister, surrender the person's identification card for amendment or cancellation.

Regulations

5 The Minister may make regulations respecting qualifications for service dogs.

Offences and fines

6(1) A person who contravenes [section 3](#) is guilty of an offence and liable to a fine not exceeding **\$3000**.

(2) A person who contravenes [section 4\(3\)](#) or who, not being a disabled person, purports to be a disabled person for the purpose of claiming the benefit of this Act is guilty of an offence and liable to a fine not exceeding **\$300**.

7 (*This section amends the [Human Rights, Citizenship and Multiculturalism Act](#); the amendments have been incorporated into that Act.*)

Repeal

8 The [Blind Persons' Rights Amendment Act, RSA 2000 c7 \(Supp\)](#), is repealed.

Coming into force

9 This Act comes into force on January 1, 2009.

SASKATCHEWAN

THE SASKATCHEWAN HUMAN RIGHTS CODE, Chapter S-24.2 of the Statutes of Saskatchewan, 2018 (effective October 1, 2018)

Discrimination in accommodation, service or facility prohibited

12(1) No person, directly or indirectly, alone or with another or by the interposition of another, shall, on the basis of a prohibited ground:

(a) deny to a person or class of persons any accommodation, service or facility to which the public is customarily admitted or that is offered to the public; or

(b) discriminate against a person or class of persons with respect to any accommodation, service or facility to which the public is customarily admitted or that is offered to the public.

(2) Subsection (1) does not apply to prevent the barring of any person on the basis of that person's sex from any accommodation, service or facility on the ground of public decency.

(3) Subsection (1) does not apply to prevent the giving of preference on the basis of age, marital status or family status with respect to membership dues, fees or other charges for services or facilities.

2018, c S-24.2, s.12.

MANITOBA

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES WHO USE SERVICE ANIMALS, (A guideline developed under *The Human Rights Code*)

Introduction

The Manitoba Human Rights Commission ("the Commission") is an independent agency of the Government of Manitoba responsible for administering *The Human Rights Code* ("*The Code*").

The Code sets out a complaint process and mandates the Commission to promote human rights principles and educate the public about their rights and responsibilities under *The Code*. *The Code* has special status over all other laws of the Province of Manitoba.

Section 5 of *The Code* authorizes the Commission to prepare and distribute guidelines to assist in the understanding and application of *The Code*. These guidelines assist the

public in understanding how to comply with *The Code*. They represent the Commission's interpretation of *The Code* at the time of publication.

This guideline sets out the Commission's interpretation of the protections in *The Code* with respect to persons with disabilities who use service animals. If there is any conflict between this guideline and *The Code*, *The Code* prevails.

Discrimination against persons who use service animals

The Code prohibits discrimination against individuals based on various characteristics including physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device.

A service animal is defined in *The Code* to be "an animal that has been trained to provide assistance to a person with a disability that relates to that person's disability."

The type of assistance a service animal may provide varies. A person may have a disability that is physical or obvious such as blindness and rely on an animal for assistance that is quite apparent. A person may also have a disability that is not as obvious, such as a mental or invisible disability such as post-traumatic stress disorder or epilepsy and rely on an animal for assistance in ways that are not readily apparent.

For example, a service animal may do any of the following

- guiding a person who is blind
- alerting a person who is Deaf
- pulling a wheelchair
- alerting or protecting an individual who is having a seizure
- reminding an individual with a mental illness to take their prescribed medication

The assistance that service animals provide, and for whom they provide assistance, is evolving. As we start to acknowledge the stigma surrounding mental disabilities and animals are increasingly becoming a part of ongoing therapy programs, new uses for service animals will continue to be recognized.

While an animal may not have received formal training, if the person relying on the animal can demonstrate that it is an integral part of their disability related treatment program, the animal may be considered a "service animal."

Service animals are typically easy to identify (usually by a special harness or vest) and

are under the care and control of their owner (harnessed, leashed or tethered) when working, unless doing so interferes with the work or task they perform. In some cases if a person's disability prevents them from maintaining physical control of their animal, they will maintain control of the animal through voice, signal or other means.

There is no standardized identification or certification of service animals in Manitoba. Therefore any animal that is identified as having been trained, including self-trained, to provide assistance to someone with a disability, may be a service animal for the purposes of *The Code*.

Usually, a service animal is a dog, but the broad term, "animal" used in *The Code* allows for other types of animals to be considered as service animals.

It is important to recognize that people who rely on animals for assistance with their disabilities may not label their animals as service animals as referred to in *The Code*. For example, a person may prefer to refer to their animal as a "therapy dog", "comfort animal" or "companion animal". Regardless of the label used, as long as the animal is trained to provide assistance to the person that relates to their disability, the animal is considered a service animal under *The Code*. The Commission's focus is accordingly on what a person's disability needs are and what the animal does to provide assistance with those disability-related needs.

If it is not clear that an animal is a service animal, it may be appropriate to ask the following questions:

1. Is the dog or other animal assisting the person with a disability?
2. What assistance has the dog or other animal been trained to provide related to the disability?

The Code prohibits discrimination and harassment on the basis of a person's actual or perceived disability. *The Code* also prohibits retaliation against a person because they have made a complaint under *The Code*, are participating in a proceeding under *The Code* or are otherwise trying to enforce their rights under *The Code*. This is called reprisal.

Discrimination may be directed towards one individual who uses a service animal. A policy or practice may also systemically discriminate, meaning it discriminates against a group of persons who use service animals.

It is possible to discriminate without intending to violate the law. A policy or practice that seems neutral may have a greater negative effect on people who use service animals, without justification or reasonable cause.

For example:

- a hotel's "no pet" policy
- a landlord's policy of requesting an additional damage deposit for tenants with pets
- a theatre that requires persons with service animals to sit in an assigned area
- a restaurant that permits persons with service animals on the patio only

Discrimination in services

The Code prohibits discrimination with respect to any service, accommodation, facility, benefit or program available or accessible to the public or to a section of the public. Examples of services include stores, theatres, restaurants, police services, sports associations, healthcare services, government services, food banks, schools, rehabilitation programs and insurance services.

Service providers must not treat a person differently because they use a service animal unless it is reasonable to do so.

Service providers may have bona fide or reasonable cause to treat people differently; however those situations must be carefully considered and able to be substantiated. A service provider must be able to show that a seemingly discriminatory policy or practice has been established in good faith and is reasonably necessary for the safe or efficient operation of the service being provided.

Discrimination in services against persons with disabilities who use service animals typically involves denying access to a person wholly or in part, because they use a service animal.

For example:

- a fine dining restaurant refuses to allow a person with a service animal access
- a convenience store requires a person who uses a service animal to leave the animal tethered outside the store

A service provider is entitled to ask whether or not the animal is trained to provide assistance to the person with a disability and to ask for information to identify or clarify the disability-related need. A service provider should be cautious not to ask for information or require a person to substantiate the need to rely on the animal if it is obvious.

While it may be appropriate to ask for more information to substantiate that the animal is required because of a disability, which may include information from medical or paramedical providers or evidence of the animal's participation in a training or certification program, it is not appropriate to ask for information about the person's diagnosis. It is not appropriate to ask that the animal demonstrate its ability to perform the tasks for which it is trained. Questions should always be asked with respect and understanding.

Service providers also have a duty to reasonably accommodate the special needs of a person based on their disability, or any other protected characteristic. These requests must be assessed on a case-by-case basis. A service provider has a responsibility to consider the specific request, ask for more information to substantiate it if necessary and assess how to offer an accommodation that is reasonable and does not cause undue hardship.

For example:

- a student with a service animal requests permission to leave school grounds at recess to take the animal for a lengthier walk. The school must consider whether or not it would be an undue hardship to do so, which would include considering its obligations regarding care of the student and safety.

Service providers must ensure that they maintain harassment-free environments and have a process to deal with harassment complaints.

The “right of access” of persons who use service animals

A person who uses a service animal has the right to access any area that is generally accessible to the public.

A person with a service animal should therefore have access to any store, restaurant, and office - including a cafeteria or doctor's office, despite public health or other legislation that might exclude animals from these premises. Landlords, taxi drivers and hotels must also generally allow clients or tenants with service animal.

In some exceptional circumstances, it may be reasonable to restrict access to a person who uses a service animal. Areas where a person may not be allowed access with their service animal are often areas where the public may be restricted generally.

For example, restricting service animals from sterile or other protected areas, such as a food preparation area, operating theatre or laboratory, may be justified.

A person should not be penalized or isolated, for using a service animal in the same way that they would not be penalized for using a wheelchair.

Employers, landlords and service providers should carefully consider their policies and practices to ensure that there is enough flexibility to ensure the rights and dignity of all staff, employees, tenants and patrons. This means considering whether a policy or practice denies or limits a person's access to opportunities or benefits because they use service animals to assist with their disability-related needs or isolates a person who uses a service animal.

Flexibility with respect to policies and referring back to basic principles of respect, dignity and safety to ensure equality for all persons are essential.

1. The first step in ensuring equality is to examine policies and practices to identify barriers for people who use service animals.
2. The second step in ensuring equality is to establish a process to assess and respond to request for accommodation whether they have a disability and use a service animal or some other protected characteristic.

There may be situations in which an employer, landlord or service provider may have to balance the rights of more than one person under *The Code*. For example, a taxi driver may advise his or her employer of a severe allergy to dogs that would prevent transporting a person with a service animal. The employer would in that case, request medical documentation to establish the driver's medical need and proceed to assess ways to ensure the person with the service animal has access to alternative transportation.

A service animal must be under the care and control of its owner at all times. No one should interfere with, pet or feed a service animal while the animal is working, without seeking permission of the animal's owner.

If the person with the service animal is not able to effectively control the animal's behavior, which would include displaying disruptive behaviours such as barking, snapping, defecating or whining excessively, they may be refused access or asked to leave.

This publication is available in alternate formats.

Revised: October 2016

ONTARIO

HUMAN RIGHTS CODE, R.S.O. 1990, c. H.19

FREEDOM FROM DISCRIMINATION

Services

1 Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or **disability**. R.S.O. 1990, c. H.19, s. 1; 1999, c. 6, s. 28 (1); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (1); 2012, c. 7, s. 1.

ONTARIO SERVICE DOGS ACT, 2016

Service dogs permitted in places to which public admitted

2. (1) No person, directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, shall,

(a) deny to any person the accommodation, services or facilities available in a school or in any place to which the public is customarily admitted; or

(b) discriminate against any person with respect to the accommodation, services or facilities available in a school or in any place to which the public is customarily admitted, or the charges for the use of the accommodation, services or facilities,

for the reason that he or she is a person with a disability who is accompanied by a service dog, or requires the accompaniment of a support person or the use of an assistive device to assist them with their service dog.

QUEBEC

Quebec does not have a specific Service Dog Law. They rely solely on their Human Rights Law.

Reports are that Quebec does not always treat all Service Dogs Equally. Their law specifically recognizes Guide Dogs but does not appear to be giving good protections to other Service Dogs.

NEW BRUNSWICK

The New Brunswick Human Rights Commission (“Commission”) develops guidelines as part of its mandate to prevent discrimination. These guidelines are intended to help individuals understand their legal rights and responsibilities under the New Brunswick Human Rights Act (“Act”).

1.0 Physical and Mental Disability Discrimination in relation

to Service Animals

The Act prohibits discrimination (whether it is intentional or not) based on physical and mental disability in areas such as employment, housing, public services (e.g. schools, hospitals, restaurants, malls, and insurance), and membership in labour unions and professional associations. It is also discriminatory to publish or display (or cause to be published or displayed) something that is discriminatory or indicates an intention to discriminate (e.g. a notice or sign).

This guideline focuses solely on discrimination on the basis of reliance on a service animal for a physical and/or mental disability in the areas of employment, public services and facilities, and housing. For information on the rights and obligations under the Act in other situations or in relation to physical and mental disabilities generally, please see the Commission's guidelines on those subjects or contact the Commission directly.

1.1 Meaning of Service Animal

“A service animal is an animal that has been trained to perform specific tasks in order to provide assistance to a person with a disability for that disability. Dogs are the most common service animals, but other animals (e.g. cats, monkeys, birds and miniature horses) are sometimes used as well. It is not necessary for an animal to be professionally trained or certified as a service animal for the Act to apply. 3 An animal that is trained, including self-trained, to provide personalized assistance for someone with a disability may be a service animal for the purposes of the Act.”

4. Identification; Service animals should be readily identified, such as by a special harness or vest. This makes it easier for the employer, service provider or housing provider to know that the animal is a service animal and make the appropriate accommodations. However, a special harness or vest is **NOT** required for the animal to be considered a service animal. Some people may choose less conspicuous methods to indicate that they rely on an animal as a service animal (e.g. note from a physician, training certificate), while keeping the fact that the animal is a service animal from those who do not have a need to know. This is ultimately a choice that a person with a service animal needs to make, while also being mindful that clearly identifying the animal as a service animal may make the accommodation process a smoother one.

2.0 Duty to Accommodate; The Act requires employers, service providers and housing providers to avoid policies that have a discriminatory effect on people who use a service animal for a physical or mental disability.

Employers, service providers and housing providers have a duty to accommodate a person with a service animal to the furthest point possible short of undue hardship.

The duty to accommodate extends to a third party handler of the service animal, if the third party handler is accompanying a person with the disability who relies on the service animal.

Accommodation is an individualized process that takes into account the specific needs and

circumstances of the person requiring accommodation. (*Guideline on Accommodating People with Service Animals New Brunswick Human Rights Commission – 6*)

21. Accommodation is also a multi-party inquiry

22. that includes the person with the service animal and the employer/service provider/housing provider (as the case may be). In some situations it may also include health care professionals, unions, and others as required.

2.1 What is Undue Hardship?

- Undue hardship occurs if accommodating the person relying on the service animal would be extremely difficult.
- The determination of undue hardship depends entirely on the circumstances of each specific case.

Examples of undue hardship in this context could include:

- Extremely high financial costs;
- A serious disruption to a business;
- Health and safety considerations;
- A **substantial** interference with the rights of others, including employees, customers or tenants;

23 Inability to renovate the facilities to accommodate the person with the service animal;

- Inability to interchange, alter or substitute duties within the workforce;

24. The extent to which the inconvenience would prevent the business from carrying out the purpose of that business. The duty to accommodate will arise when a person relying on a service animal has made a request for accommodation. However, in some instances the duty to accommodate will arise without an accommodation request being made. The duty to accommodate may be triggered when it is obvious that the person is relying on a service animal, or once it is known or reasonably ought to have been known that the person is relying on a service animal.

NOVA SCOTIA

NOVO SCOTIA SERVICE DOG ACT (CHAPTER 4 OF THE ACTS OF 2016)

11 (1) A service dog team or dog-in-training team may, in the same manner as would an individual who is not a member of either of those teams, enter and use any place, accommodation, building or conveyance to which the public is invited or has access, if the human member of the team

(a) ensures that the dog member of the team does not occupy a seat in a place where food is served or dispensed to the public or in a public conveyance; and

(b) maintains control of the dog member of the team.

(2) No person shall interfere with the exercise of the right of entry and use authorized by subsection (1).

12 (1) No person shall deny to a service dog team, retired service dog team or dog-in-training team residential premises advertised or otherwise represented as available for occupancy by a tenant on the basis that the human member of the team intends to keep the dog member of the team at the residential premises.

(2) No person shall impose, on the human member of a service dog team, retired service dog team or dog-in-training team, a term or condition for the tenancy of residential premises if the term or condition discriminates on the basis that the human member of the team intends to keep the dog member of the team at the residential premises.

(3) Subsections (1) and (2) do not apply in respect of residential premises if the only premises rented consist of one room in a dwelling house, the rest of which is occupied by the landlord or the landlord's family, and the landlord does not advertise the room for rental by sign or through any news media or listing with any housing, rental or tenants' agency.

13 No person shall falsely represent a dog as being a member of a service dog team, retired service dog team or dog-in-training team.

14 Where requested to do so by

(a) the owner, operator or other person in charge of a place, accommodation, building or conveyance at which a service dog team or dog-in-training team is exercising or attempting to exercise its right of entry and use authorized by subsection 11(1); or

(b) a prospective landlord or landlord from whom the human member of a service dog team, retired service dog team or dog-in-training team is renting or seeking to rent residential premises to which subsections 12(1) and (2) apply,

the human member of the team shall produce the identification card issued to the human member in respect of the team.

15 (1) The human member of a service dog team or dog-in-training team shall ensure that the dog member wears an identification collar or harness whenever the dog member is in public.

(2) The expression "service dog" or such other expression as the regulations may prescribe must be clearly displayed on an identification collar or harness referred to in subsection (1).

16 (1) The human member of a service dog team or dog-in-training team shall at all times maintain control of the dog member.

(2) The human member of a service dog team or dog-in-training team shall perform any duty prescribed by the regulations.

17 The owner of a dog is solely liable for damages for injury, loss or damage to persons or property caused by the dog while it is acting as a service dog or dog-in-training.

18 A person who contravenes subsection 8(3), 9(3), 11(2) or 12(1) or (2) or Section 13 is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$3,000.

NEW FOUNDLAND & LABRADOR

AN ACT TO ENSURE ACCESS FOR SERVICE ANIMALS USED BY PERSONS WITH DISABILITIES, CHAPTER S-13.02 (Assented to June 27, 2012)

Right to facilities

4. A person shall not;

- (a) deny a person with a disability the accommodation, services or facilities available in a place to which the public is customarily admitted; or
- (b) discriminate against a person with a disability with respect to the accommodation, services or facilities available in a place to which the public is customarily admitted, or the charges for the use of the place,

for the reason only that the person is a person with a disability accompanied by a service animal.
([2012 cS-13.02 s5](#))

Prohibited fee

6. A person shall not charge a fee to a person with a disability for his or her service animal in respect of a right of admission to or enjoyment of accommodation, services or facilities under section 4 or in respect of a right of occupation under section 5. ([2012 cS-13.02 s6](#))

Offence

10. A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction

- (a) in the case of an individual, to a fine of not more than \$500 or to imprisonment for not more than 30 days or to both a fine and imprisonment; and**
- (b) in the case of a corporation, to a fine of not more than \$1,000.**

NORTHWEST TERRITORIES & NUNAVUT

Nunavut does not have a specific Service Dog law and relies solely on its Human Rights Act to protect individuals.

YUKON

Dogs that are listed as "In Training" have not yet completed the full training program that makes them a Meliora Service Dog. "In Training" Dogs are still afforded the same public access as "Certified" dogs. They are safe to be in stores and are well behaved.