



# CUSTOMER SERVICE TO PERSONS WHO USE SERVICE ANIMALS GUIDELINES

**Contact Officer**

*Accessibility Coordinator*

## **Purpose**

The Customer Service to Persons Who Use Service Animals Guidelines have been created to support the Queen's Accessibility Policy and Procedures for Persons Who Use Service Animals. These guidelines are intended to provide helpful information on the law, who uses service animals, and what to expect when interacting with service animals or their partners.

## **Definitions**

**A Partner is:**

- Defined as a person with a disability who uses a service animal to provide assistance with daily tasks.

**Advisors are:**

- Accessibility service advisors with the Queen's Student Accessibility Services (QSAS);
- Human Resources Return to Work and Accommodation Department who provide assistance for employees requiring access to a workplace accommodation;
- The Human Rights Office advisors who provide information regarding protections available under the Ontario Human Rights Code.

**Service Animal:**

1. According to the [Ontario Regulation 191/11 of the Accessibility for Ontarians with Disabilities Act, 2005, section 80.45 subsection 3](#) states<sup>1</sup>:
  - “guide dog” means a guide dog as defined in section 1 of the Blind Persons’ Rights Act;
    - a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations. Blind Persons’ Act, R.S.O. 1990, c. B7, s.1(1)
  - “service animal” means an animal described in subsection (4):
    - [Ontario Regulation 191/11 of the Accessibility for Ontarians with Disabilities Act, 2005, section 80.45 subsection 4](#) states<sup>1</sup>:
      - an animal is a service animal for a person with a disability if:

- (a) the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
- (b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
  - i. A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
  - ii. A member of the College of Chiropractors of Ontario.
  - iii. A member of the College of Nurses of Ontario.
  - iv. A member of the College of Occupational Therapists of Ontario.
  - v. A member of the College of Optometrists of Ontario.
  - vi. A member of the College of Physicians and Surgeons of Ontario.
  - vii. A member of the College of Physiotherapists of Ontario.
  - viii. A member of the College of Psychologists of Ontario.
  - ix. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

2. Human Rights Tribunal of Ontario - ([Allarie v. Rouble, 2010 HRTO 61](#))<sup>2</sup>:

- The definition of disability under section 10(1) of the Ontario Human Rights Code contemplates circumstances where a person might physically rely on an animal to assist with their disability-related needs. Disability also clearly includes a condition of mental impairment. There is nothing in the Ontario Human Rights Code which limits the definition of a service animal to one which is trained or certified by a recognized disability-related organization.

### **Guideline**

Queen's is committed to the inclusion and accommodation of persons with disabilities. This includes the presence of Service Animals that assist visitors, students or employees within all aspects of University life including Queen's-related functions both on and off campus.

People use service animals for many reasons, including but not limited to:

- vision loss
- being culturally Deaf, oral deaf, deafened or hard of hearing
- mental health disabilities

- physical disabilities
- epilepsy or other seizure-related disorders
- autism or other developmental/ intellectual disabilities

## Exclusions

[Ontario Regulation 191/11 of the Accessibility for Ontarians with Disabilities Act, 2005, section 80.47 subsections 2 and 3](#) state<sup>3</sup>:

- If a person with a disability is accompanied by a guide dog or other service animal, the provider shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her, unless the animal is otherwise excluded by law from the premises.
- If a service animal is excluded by law from the premises, the provider shall ensure that other measures are available to enable a person with a disability to obtain, use or benefit from the provider's goods, services or facilities.

[Ontario Regulation 562 under the Health Protection and Promotion Act](#)<sup>4</sup> states:

- Animals are not allowed in places where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale. The regulation **makes an exception for service dogs**, which are permitted where food is normally served, sold or offered for sale. Other types of service animals are not permitted in these areas.

## Other Exclusions

A service animal may be excluded only when any one of the five following conditions exists:

1. Where health and safety requirements could be violated;
2. The service animal is disruptive and the partner is not effectively controlling it;
3. The presence of the service animal would fundamentally change the nature of the job, program, service or activity;
4. The service animal's presence, behavior or actions pose an unreasonable or direct threat to property or the health or safety of others. Risk may not be remote or speculative, such as thinking an animal might bite someone or will annoy others. If this is the case, a provider should analyze all options for safely allowing the presence of the service animal. Allergies or a fear of animals are generally not sufficient conditions to exclude a service animal (see "In the Case of Allergies or Fear of Animals" below);
5. The University may prohibit the use of service animals in certain locations due to health or safety restrictions or where their use may compromise the integrity of research (e.g., work in the life sciences.) Such restricted locations may include, but are not limited to, the following: food preparation areas, research laboratories, classrooms with

demonstration/research animals, wood shops and metal/machine rooms, and nuclear research areas.

The exclusions above are determined on an individualized basis. In making this determination, consideration must be given to whether another reasonable accommodation can be provided.

If the service animal is to be excluded for any of the above reasons, the partner must be given the option of participating in an activity or receiving services without the service animal on the premises.

If the partner decides to participate without the service animal, efforts must be made to reasonably accommodate the partner.

If the animal has been excluded because of disruptive behaviour, the partner must be allowed to participate in the activity with the service animal once the animal's behavior is under control.

### ***Requirements of service animals and their partners***

- Local ordinances regarding animals apply to service dogs and cats, including requirements for immunization, licensing, noise, at-large animals and dangerous animals. Dogs and cats must wear a license tag and a current rabies vaccination tag from its home municipality.
- The partner must be in full control of the animal at all times, including but not limited to; use of a leash or carrier, as appropriate for the circumstance. The animal must not be a disruption to others.
- The care and supervision of a service animal is solely the responsibility of its partner.
- The partner is responsible for cleaning up the animal's waste. The partner should always carry equipment and bags sufficient to clean and properly dispose of the animal's waste. Partners who are not physically able to pick up and dispose of waste are responsible for making all necessary arrangements for assistance.
- The partner is responsible for damage caused by the animal; however, the University can only charge for damages if a person without an animal would be charged for the same type of damage.

### ***Bringing Service Animals in Training on Campus***

In support of accessibility, the University may allow service animals in training on campus. To seek approval, please contact [Environmental Health and Safety](#).

### ***Requirements for ensuring an inclusive environment when working with partners and service animals***

- Allow a service animal to accompany the partner at all times and in all areas on campus where members of the public (visitors and students) customarily have access, or in the case of an employee, where employees customarily have access.
- Speak to the partner before giving attention to the animal.
- Maintain a respectful distance from the service animal. It is not appropriate to pet, feed or startle a service animal while it is working; ask permission before touching the animal as this might distract it from its work.
- Ensure that a partner and their service animal can remain together; in case of an emergency, every effort should be made to keep the animal with its partner. However, the first effort should be toward the partner; this may necessitate leaving an animal behind in certain emergency situations.
- Do not add extra charges for a service animal.
- Ensure that a person using a service animal is included and not isolated from others.

### ***In the Case of Allergies or Fear of Animals***

Although allergies or a fear of animals are generally not sufficient conditions to exclude a service animal, in some cases a person's allergy or phobia may be so severe that the presence of an animal prevents participation. In those situations, the affected person may wish to consult the appropriate offices:

- An advisor with the Queen's Student Accessibility Services (QSAS);
- An advisor with the Human Resources Return to Work and Accommodation Office;
- The Residence Admissions Manager with Queen's Residences.

Some interim options that may be considered include:

- Creating distance between the two individuals;
- Eliminating in-person contact;
- Changing the time the two individuals receive the goods, services, or access facilities.

Each situation is reviewed on a case-by-case basis that considers all relevant factors and options in trying to find a solution that meets the needs of everyone involved.

### ***Best practices for interacting with service animals and people who use them***

- Service animals should not be distracted; they are working. Avoid touching or addressing them;
- If you are unsure whether it is a service animal or a pet, ask the partner;
- Service animals should be fed only by the partner;

- Service animals foster independence and freedom for persons with disabilities. If the partner needs your help, they will ask for it.

### ***Guidelines for Advisors, to verify need of Service Animals***

The least intrusive approach must be considered when verifying the need for the service animal for reasons of a disability:

- If the person's disability is obvious or otherwise known to you, and if the need for the service animal is apparent, additional information about the disability may not be needed. For example, a blind person with a guide dog typically would not need to verify their need for the dog;
- If the disability is known, but the need for the service animal is not apparent, request only information necessary to evaluate the disability-related need for the service animal. For example, if you know the person has mobility impairment and they want to have an assistance dog, request documentation or demonstration of the disability-related need for the animal;
- When seeking written verification of the need for a service animal for reasons of a disability status, the individual may be asked to provide medical or other documentation, completed by a qualified health care practitioner who has knowledge about the person's disability and the need for the service animal;
- When requested, documentation for students or employees who require the support of a service animal for reasons of disability shall include the following:
  - Name and credentials of professional or evaluator;
  - Description of the current functional limitations as they relate to the need for the service animal; and
  - If the need for the service animal is non-apparent, specific tasks the service animal performs to meet the needs of the individual.

Any requested documentation is kept strictly confidential and the handling processes are aligned with relevant privacy legislation including the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Protection Act (PHIPA).

### **Related Policies / Procedures**

[Accessibility Policy](#)

[Service Animal Policy Queen's University Residences](#)

[Queen's Policy Concerning Students with Disabilities](#)

[Academic Accommodations for Students Policy](#)

[Academic Accommodations for Students Procedure](#)

[Disability Accommodations Statement](#)

[Human Resources Accommodation of Disabilities in the Workplace Policy](#)

## Links

<sup>1</sup> <https://www.ontario.ca/laws/regulation/110191#BK149>

<sup>2</sup> <http://www.canlii.org/en/on/onhrt/doc/2010/2010hrto61/2010hrto61.html>

<sup>3</sup> <https://www.ontario.ca/laws/regulation/110191#BK151>

<sup>4</sup> <https://www.ontario.ca/laws/regulation/900562>

<b>Date Approved</b>	<i>2017 November 27</i>
<b>Approval Authority</b>	VPOC
<b>Related Policies, Procedures and Guidelines</b>	<a href="#"><u>Accessibility Policy</u></a> <a href="#"><u>Service Animal Policy Queen's University Residences</u></a> <a href="#"><u>Queen's Policy Concerning Students with Disabilities</u></a> <a href="#"><u>Academic Accommodations for Students Policy</u></a> <a href="#"><u>Academic Accommodations for Students Procedure</u></a> <a href="#"><u>Disability Accommodations Statement</u></a> <a href="#"><u>Human Resources Accommodation of Disabilities in the Workplace Policy</u></a>