

The Accessibility for Ontarians with Disabilities Act (AODA) sets requirements for obligated organizations with one or more employees

WHAT IS A SERVICE ANIMAL?

The Customer Service Standards under the AODA state that to be considered a service animal, one of two conditions must apply:

- a) it is readily identifiable that the animal is used for reasons related to the person's disability (such as a guide dog or other animal wearing a vest or harness); or
- b) the person with the service animal provides documentation from one of the following regulated health professionals confirming the need for the animal because of a disability: audiologist, speech language pathologist, chiropractor, nurse, occupational therapist, optometrist, physician, physiotherapist, psychologist, psychotherapist or mental health therapist.

WHO USES A SERVICE ANIMAL?

In addition to people with vision loss who use guide dogs, service animals are used by people with autism, epilepsy, mental health disabilities, and physical disabilities as well as others.

SERVICE ANIMAL VERSUS THERAPY ANIMAL

Under the Customer Service Standards, any animal which satisfies one of the two conditions above, including a therapy animal, can be a service animal.

SERVICE ANIMALS ARE NOT PETS

People who use service animals should not face additional fees or requirements that apply to pets. Any kind of animal can be a service animal and not all service animals wear a harness or vest.

SERVICE ANIMALS HAVE A JOB TO DO

Service animals help people with disabilities to overcome a variety of barriers, much like a white cane or a wheelchair. For example, they may guide a person with low vision; alert their owner who is hard of hearing to sounds; or keep a child with autism from running into danger. Avoid touching, distracting or feeding a service animal. Service animals are not to be touched as they are working and not pets.

WHAT HAPPENS IF THE SERVICE ANIMAL APPEARS UNRULY?

The AODA does not address the behaviour of a service animal. Your customer is responsible for the care and supervision of their service animal. Concerns should always be addressed to the owner.

DOCUMENTS AND CERTIFICATION

Under the Ontario Human Rights Code and the AODA, service animals **do not** need to have official certificates or identity cards.

However, you may ask your customer to see documentation which they may provide from any of the following:

- Documentation from a regulated health professional (see below) OR
- An identification card from the Ontario Ministry of the Attorney General for people who are blind and use guide dogs

Under Ontario Regulation 191/11 (Integrated Accessibility Standards) under the AODA, an animal is considered a service animal 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 their 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. *O. Reg. 165/16, s. 16.*

If the customer has no documentation to show they need the animal for their disability or if it is not immediately obvious the animal is a service animal (e.g., wearing a vest or harness), then there are no requirements under the AODA that the animal be allowed to accompany the customer.

In such cases, it may be helpful for staff to involve a supervisor or manager to have a discussion with the person and try to work with them towards a solution. This is where policies and staff training is important.

KNOW THE LAW

Accommodation

By law, service animals can stay with their owners in the hotels, motels, and resorts of large and small organizations. People are allowed to bring their service animal into areas that are open to the public unless the animals are excluded by another law.

Foodservice Operations (Considerations specific to the food industry)

Under Ontario Regulation 493/17 under the Health Protection and Promotion Act, **all types of service animals are allowed in restaurants** and other areas where food is normally served, sold or offered for sale. If a law bans service animals from certain areas of your business, such as the kitchen, work with your customer to find a way for them to access your services if needed. In some cases, food might be prepared in the same areas where it is served, sold or offered for sale. In these cases, organizations are encouraged to contact their local Public Health Unit to learn more about how to interpret their requirements.

If a law bans service animals from certain areas of your business, such as the kitchen, work with your customer to find a way for them to access your services if needed.

ENSURE YOU HAVE POLICIES IN PLACE

Staff, volunteers, and consultants working for your organization need to know your policies on service animals and how to interact with the people who rely on them. If you do not have a policy on service animals, create one and train your staff as soon as possible—it's the law and can help protect your organization from high profile (and costly) human rights complaints. Be aware that service animals are not pets.

TRAINING TIPS

Consider including the following topics in your training:

- How to approach a person with a disability to discuss the situation when you have to offer alternative services
- How to ask a person with a disability to calm their service animal if it is acting unruly or scared
- How to respond to fears, concerns or questions from other customers regarding a service animal

DON'T MAKE ASSUMPTIONS

If you're not sure if the animal is a pet or a service animal, ask your customer! For more information, please contact Fatima Finnegan at ORHMA by phone at (647) 368-6746 or by email at ffinnegan@orhma.com

The Customer Service Standard applies to all organizations with one or more employees in Ontario.