

ACCOMMODATING PEOPLE WITH SERVICE ANIMALS

The New Brunswick *Human Rights Act (Act)* prohibits discriminatory treatment based on a person's physical or mental disabilities in employment, housing, and services. This includes protections for individuals who use service animals as they fall under the grounds of physical and mental disability.

WHAT IS A SERVICE ANIMAL?

A service animal is an animal that **has been specially trained to perform specific tasks or work for a person with a disability**. Dogs are the most common service animals, but other animals like cats can also be used. Service animals can **assist people with various disabilities**, including but not limited to anxiety, ADHD, visual impairment, autism, bipolar disorder, claustrophobia, depression, epilepsy, hearing impairment, mobility issues, obsessive-compulsive disorder, and post-traumatic stress disorder (PTSD).

In New Brunswick, any animal trained to assist a person with a disability can be considered a service animal under the *Act*, and there is **no requirement for professional certification or special vests or harnesses**. Similarly, emotional support animals (ESAs) are also protected under human rights legislation if they are part of a person's treatment for a disability.

DUTY TO ACCOMMODATE

A person with a service animal or ESA has the same right to access public services, employment, and housing as any other person. If you require a service animal, employers, service providers and housing providers have a **legal responsibility to accommodate your reasonable request for accommodation**.

The duty to accommodate means that an employer, service provider or housing provider **must make exceptions to their rules or policies, such as "no pets" policies**, to support an individual with a service animal.

If it becomes too difficult for an employer, service provider or housing provider to accommodate your service animal (for example, due to safety concerns), then they may deny your accommodation request. This is called undue hardship. Whether or not a situation creates **undue hardship** depends on the **specific circumstances and careful assessment of each situation**. An employer, service provider or housing provider cannot automatically deny your request without first exploring all potential accommodation options.



MEDICAL DOCUMENTATION AND SERVICE ANIMALS

Employers, service providers, and housing providers are **allowed to ask for verification that an animal is a service animal or ESA**. A note from a doctor or a psychologist, confirming that the animal is required for medical reasons, is adequate as verification.

However, a person with a service animal or ESA **does not need to disclose their medical condition or diagnosis as part of the accommodation process**. Medical documentation only needs to confirm that the individual has a disability and that reliance on the animal is beneficial for them.

BALANCING ACCOMMODATION NEEDS

In some cases, employers, services providers, and housing providers may need to accommodate individuals who cannot be around service animals due to allergies or phobias. In these cases, they **must balance the needs of both parties** and find ways to keep the service animal at a distance from the person with the allergy or phobia, unless doing so would cause undue hardship.

Example:

A tenant tells the landlord that they require a service dog for a physical disability. However, another tenant informs the landlord that they have a significant phobia of dogs. **To accommodate the needs of both tenants**, the landlord moves the service animal user to the opposite end of the building to limit the animal's contact with the other tenant. The landlord also tells the tenant with the service animal that they may only use a specific door to enter and exit the building.

OBLIGATIONS OF THE PERSON WITH A SERVICE ANIMAL



Maintain control of the service animal at all times. If the animal poses a risk to others or misbehaves, the employer, service provider or housing provider may no longer be able to accommodate your service animal.



Collaborate with the employer, service provider or housing provider to implement **reasonable accommodations** for your service animal. You **must accept reasonable accommodations**, even if they are not your preferred options.



Provide the appropriate medical documentation supporting your need for a service animal.



Respond to reasonable inquiries about the function the animal performs. However, you do not have to disclose your medical condition.

"NO PETS" POLICIES



Service animals or ESAs **are not considered pets**, but rather a **support for an individual with a disability**.

As such, **"no pets" policies** or additional **"pet fees" should not be applied** to service or emotional support animals.

Learn more about service animals and human rights by consulting our "Guideline on Accommodating People with Service Animals"! <https://bit.ly/3y23U3e>




DO YOU HAVE QUESTIONS? CONTACT THE COMMISSION

The **New Brunswick Human Rights Commission** is a government agency that ensures the human rights of all New Brunswickers are protected under the Act. If you want to learn more about your rights and responsibilities related to disabilities in the workplace, contact the Commission. The Commission **provides free information about your rights and will help you if you face discrimination**.

If you think you have experienced discrimination, **you can file a complaint with the Commission**.

YOU CAN REACH US AT:

 (506) 453-2301

 hrc.cdp@gnb.ca

 www.gnb.ca/hrc-cdp