

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect **The Saskatchewan Human Rights Code.**



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

Policy on Service Animals

“...every person is free and equal in dignity and rights...”
(Section 3, The Saskatchewan Human Rights Code)

The Saskatchewan Human Rights Code *The Saskatchewan Human Rights Code* (the “Code”) requires the accommodation of persons with disabilities, including persons who use service animals, in employment, education and access to public services and places. Disability is a protected category under the Code that includes both physical and mental disabilities¹.

Service Animals Assist Persons With Disabilities

People who use service animals require the animal to assist their disability-related needs. Although service animals have traditionally helped people with physical disabilities such as blindness, deafness or mobility disabilities, there are a wide range of other disabilities where service animals provide assistance, including psychiatric disabilities.

Examples Of Service Animals

Service animals may be trained to provide services such as guidance for a person who is blind or to retrieve small items that may have been dropped and are not accessible by the handler. Persons with psychiatric, intellectual or mental disabilities may use service animals. Having an emotional attachment to an animal does not trigger the duty to accommodate. The requirement for accommodation only occurs when a person with a disability requires an animal with specialized training to assist with a recognized disability.

- A Guide Dog is a trained service dog that is used as a travel tool for persons with visual impairments, who are blind or have low-vision.
- A Hearing Dog is a trained service dog which alerts a person with significant hearing loss, or who is deaf, to specific sounds such as a knock on the door.

- A Service Dog is a trained dog that assists a person who has a mobility or health impairment. Types of duties the dog may perform include: carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc. Service dogs are sometimes called assist dogs.
- A SSigDog is a Social Signal Dog trained to assist a person with autism. The dog may alert the partner to distracting or repetitive movements common amongst people with autism, allowing the person to stop the movement (e.g., hand flapping). Recognizing familiar persons in a crowd, steering around a mud puddle, responding to other people or social signals, are all possible roles for SSigDogs. A person with autism may have sensory problems and require the same assistance from a dog as a person who is blind or deaf.
- A Seizure Response Dog is a trained service dog that assists a person with a seizure disorder. How the dog serves the person depends on the person’s needs. The dog may stand guard over the person during a seizure, or the dog may go for help. Some dogs are trained to predict a seizure and provide a warning.



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- A Psychiatric Service Animal is a trained service animal that assists a person with a psychiatric disability. A Psychiatric Service Animal provides specific services to a person with a psychiatric disability, including, which may include but not limited to: picking up/retrieving objects or aiding with mobility when the handler is dizzy from medication or has psychosomatic symptoms, waking the handler if the handler sleeps through alarms or cannot get out of bed, alerting and responding to episodes, reminding the handler to take medication, alerting to and/or distracting the handler from repetitive and obsessive thoughts or behaviours.

Examples Of Animals

Not Covered By This Policy

The accompaniment of a pet is not protected by the *Code*. Pets fall outside of this policy.

Emotional support animals or therapy animals, which provide therapeutic benefits, but do not have specialized training to provide services for a disabled person, fall outside of this policy.

Service Providers and Public Places

Discrimination in the provision of accommodation, services or facilities where the public is admitted, or is customarily admitted, is prohibited pursuant to section 12 of the *Code*.

Businesses are required to accommodate for the attendance of service animals. Access to hotel accommodations, public services and facilities must be provided to persons with service animals.

In most cases no evidence should be required to support the attendance of a service animal. If a service animal is a disturbance a training certificate may be requested.

Housing

Landlords and condominium associations have a duty to accommodate service animals. A “no pets” policy in rental housing or a condominium does not apply to service animals.

Education, Occupations and Employment

Persons with disabilities have the right to participate in education, occupations and employment without discrimination pursuant to sections 9, 13 and 16 of the *Code*.

Accommodations must be made to allow persons with service animals to access educational services and fully participate in their occupations and employment. The Commission recognizes that relationships in the areas of education, occupations and employment often endure for extended periods of time.

Individuals requiring accommodation in education, occupations and employment are often required to produce evidence supporting their need for accommodation. Persons with disabilities should be prepared to produce a training certificate to confirm the specialized nature of their service animals.

Examples of Prohibited Practices

Certain practices result in a violation of the *Code* and are prohibited. Prohibited practices include but are not limited to:

- Refusing admission or services to a person with a service animal in the absence of an undue hardship;
- Interfering with the provision of services by a service animal;
- Requiring a person with a service animal to disclose details of a disability;
- Charging higher fees, deposits or surcharges to a person with a service animal; and
- Segregating service animals and handlers from other members of the public.



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Obligations of a Handler

When accessing public places or services, handlers should be prepared to explain that the animal is a service animal and provide a basic description of the service the animal has been trained to perform.

Handlers must also ensure that service animals are properly controlled to avoid unnecessary disruptions, risks to safety or damage to property. Handlers may be asked to remove service animals that are not properly controlled. Handlers can be held responsible for injuries to people or property caused by a service 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 service animal could represent an undue hardship. An example of an undue hardship would include a situation where the attendance of a service animal presents an unreasonable risk to health or safety.

Minor irritation, limited financial costs, or unsupported fears of property damage, do not represent an undue hardship. Unless an undue hardship can be established, the duty to accommodate a service animal applies in the areas of employment, education and access to public services and facilities.

Footnotes:

¹ The Code definition of disability is:

2 (1) In this Act: (d.1) “**disability**” means:

- (i) any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes: (A) epilepsy, (B) any degree of paralysis, (C) amputation, (D) lack of physical coordination, (E) blindness or visual impairment, (F) deafness or hearing impediment, (G) muteness or speech impediment, or (H) physical reliance on a service animal, wheelchair or other remedial appliance or device, or
- (ii) any of: (A) an intellectual disability or impairment, (B) a learning disability or dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language, or (C) a mental disorder.

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