



## Employees with Service Animals

A service animal is an animal trained to assist a person with a disability. The assistance provided by the animal must be directly related to the person's physical or mental disability.

There is no standardized identification or certification of service animals in Manitoba. It may be obvious that the animal is trained to assist with a disability that is visible (the person is blind or Deaf). It is often less obvious that the animal is trained to assist with a disability because the disability is invisible (the person has post-traumatic stress disorder or diabetes).

You are always entitled to ask an employee or potential employee if their animal is trained to assist them with a disability. 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."

You are also always entitled to ask for more information to clarify the disability-related need. However, those enquiries should be made only when you believe you need more information to assess your obligation to the person. Enquiries should always be made with respect and understanding.

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

- The employee or potential employee has the right to bring their service animal to the workplace.
- The employer may in some situations deny or limit access to the employee with a service animal where it can be shown that allowing access would cause an unreasonable risk to the health and safety of others (for example a sterile laboratory or operating room).
- The employee has the responsibility to ensure their service animal is under their care and control at all times.
- The employer may ask the employee to remove the animal if the animal's behaviour is disruptive in the workplace, such as if the animal consistently displays inappropriate behaviour like barking, whining, defecating or snapping.

- No one should interact with or feed a service animal unless they are given permission by the animal's owner to do so.
- The employer should review their workplace and policies to reduce barriers for employees with service animals.
- The preferences of other employees and concerns about possible damage to the workplace are not valid reasons to refuse access to the employee with a service animal.
- If another employee can substantiate a need that restricts them from being around an employee with a service animal, the employer must make every effort to balance the needs of both employees. How this is done will vary based on the needs being balanced, but may include implementing measures to keep the service animal at a distance from the other employee. Employers should be cautious however not to segregate or isolate employees with service animals.

This information is subject to the specific language of *The Human Rights Code* and to the interpretation of adjudicators and courts.

### ***Know Your Code!***

*The Human Rights Code* is the provincial human rights law that protects individuals and groups in Manitoba from discrimination. It is administered by The Manitoba Human Rights Commission. There is no charge for filing a human rights complaint or for seeking advice about a human rights concern. *The Code* has special status over all other laws of the Province of Manitoba.

This information is a simplified description of provisions under *The Code*.

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Revised: October 2016