

# USE OF SERVICE ANIMALS AND GUIDE DOGS IN CITY OF GREATER SUDBURY FACILITIES

## CITY OF GREATER SUDBURY POLICIES AND PROCEDURES

<b>DEPARTMENTS:</b> All Departments	<b>TITLE:</b> Use of Service Animals and Guide Dogs in City of Greater Sudbury Facilities
<b>APPROVED BY:</b> Clerk's Services	<b>DATE APPROVED:</b> March 26, 2020

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### 1.0 Statement of Commitment

The *Accessibility for Ontarians with Disabilities Act, 2005* (the "AODA") in conjunction with *Ontario Regulation 191/11: Integrated Accessibility Standards* were developed and passed by the government of Ontario as a means of making the province accessible for all by 2025.

The City of Greater Sudbury (the "City") is committed to providing barrier free access to its goods, programs, services and facilities and upholds and respects an individual's right to the use of a Service Animal or Guide Dog in our facilities.

### 2.0 Purpose

This policy is developed in accordance with the legislative requirements of the AODA and its applicable standards, which require organizations to develop implement and maintain policies regarding the use of Service Animals. This policy addresses the responsibilities of the City and its employees regarding Guide Dogs and Service Animals, and the responsibilities of persons with disabilities accompanied by a Service Animal or Guide Dog.

### 3.0 Legislated Requirement

Section 80.47 of the *Integrated Accessibility Standards Customer Service Standards*, requires that a person with a disability accompanied by a Guide Dog or other Service Animal be permitted to enter the premises of public sector organizations and service providers with the animal. Persons accompanied by a Guide Dog or other Service Animal must be permitted to keep the animal with them at all times unless the animal is otherwise excluded by law from the premises.

If the animal is excluded by law from the premises, the City will ensure that other measures are available to enable a person with a disability to obtain, use or benefit from the City's goods, services and facilities.

## 4.0 Application

This policy applies to all City facilities, buildings, programs and services with the exception of Pioneer Manor. For the purposes of this policy, the terms Guide Dog and Service Animal may be replaced with “the animal”.

While this policy includes provisions for an individual’s use of a Guide Dog while accessing City facilities, and the requirements for the care and control of the animal, provisions for the use of Guide Dogs and the regulations surrounding them are outlined in the *Blind Person’s Rights Act, 1990*. Additionally, Guide Dogs are required to successfully complete an approved training program as outlined in *Regulation 58* of the *Blind Person’s Rights Act*.

As such, this policy has been developed and applies more specifically to the use of Service Animals which may or may not be dogs and who may or may not have specialized training/certification, in City facilities, and/or in programs and services offered by the City.

The City of Greater Sudbury Animal Care and Control By-law (2017-22) also applies to service animals, including but not limited to requirements for immunization, rabies vaccinations, licensing, noise, and dangerous animals.

## 5.0 Definitions

“Barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, architectural barrier, information or communications barrier, attitudinal barrier and other supports that facilitate effective communication.

“Disability” means:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental impairment or a developmental disability;
- (c) a learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder; or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

“Emotional Support or Therapy Animal” means an animal that provides its owner with companionship and emotional support. These animals do not have training for specific tasks and do not qualify as Service Animals under the AODA and its regulations.

“Guide Dog” means a dog trained for a blind person and having the qualifications prescribed by the regulations found in the *Blind Person’s Rights Act, 1990*.

“Service Animal” is a working animal that has been trained to assist and perform tasks for persons with disabilities. Under the legislative authority, an animal is considered to be a Service Animal if:

- (a) the animal is required by a person with a disability for assistance; or
- (b) the person has 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 Physicians and Surgeons of Ontario.
  - vi. A member of the College of Physiotherapists of Ontario.
  - vii. A member of the College of Psychologists of Ontario.
  - viii. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

Examples of the kinds of tasks performed by Service Animals include but are not limited to; guiding persons with vision impairments, alerting individuals with hearing impairments to sounds or dangers, pulling a wheelchair, retrieving items, alerting to seizures or low blood sugar, opening/closing doors etc.

## **6.0 Therapy and Emotional Support Animals**

As noted in section **5.0** of this policy (Definitions), Emotional Support or Therapy Animals are animals that provide their owner with companionship and emotional support. These animals do not have training for specific tasks and do not qualify as Service Animals under the AODA and its regulations.

Therefore Therapy and Emotional Support Animals are not permitted in City buildings and facilities. Individuals accompanied by these animals will be asked to remove them from the premises.

### **6.1 Exception - Documentation**

Should an individual provide acceptable documentation from one of the parties listed in section **5.0** of this Policy confirming that they require a Therapy or Emotional Support Animal for reasons related to their disability and the documentation contains the following information:

- (a) Name and credentials of the professional or evaluator;
- (b) Description of the current relevant functional limitations of the individual;
- (c) Specific tasks the Guide Dog or Service Animal will perform to meet the accommodation needs of the individual or assist with the functional limitations.

The animal will be considered a Service Animal per the provisions of this policy and will be subject to all requirements laid out herein.

Should the individual and their animal satisfy all requirements of this policy, the animal will be permitted to accompany the individual as a Service Animal. The animal must not be unruly, disruptive or aggressive and is subject to the Care and Management provisions found in section **8.2** of this policy.

**Note:** As noted in section **8.1** of this policy, an individual is not required to disclose their disability and will only be asked for information that is necessary to verify that the animal is required to accompany them due to a disability related need or functional limitation.

### **6.2 Exception – Approved Programming**

Despite the provisions of section **6.0** of this policy, periodically, Therapy or Emotional Support Animals may be brought into City facilities as part of approved programming, services, wellness programs or initiatives.

## **7.0 Personal Pets**

Personal pets are not permitted in City of Greater Sudbury public buildings due to health and safety concerns. Individuals who bring a personal pet or non-Service Animal into a public building operated by the City will be asked to remove it from the premises.

### **7.1 Exception: GOVA Transit and GOVA Plus**

Personal pets are permitted on GOVA and GOVA Plus Transit buses provided that they are contained within a proper carrying container. The container must be placed on the floor of the bus and not on the seats or wheel wells.

## **8.0 Use of Guide Dog or Service Animal**

An individual who is accompanied by a Guide Dog or Service Animal must be permitted to enter the premises with the animal and to keep the animal with them while accessing City goods, services and facilities, unless the animal is otherwise excluded by law from the premises.

If the animal is excluded from the premises by another law, the City will ensure that other measures are available to enable a person with a disability to obtain, use or benefit from City goods, services and facilities.

### **8.1 Identification**

Where it is not readily apparent that the animal is in service to an individual, the City may request that the individual provide acceptable documentation from one of the parties listed in section 5.0 of this Policy. The documentation must confirm that the individual requires a Service Animal for reasons related to their disability or functional limitation and must contain the following information:

- (d) Name and credentials of the professional or evaluator;
- (e) Description of the current relevant functional limitations of the individual;
- (f) Specific tasks the Guide Dog or Service Animal will perform to meet the accommodation needs of the individual or assist with the functional limitations.

**Note:** An individual is not required to disclose their disability and will only be asked to provide information that is necessary to verify that the animal is required to accompany them due to a disability related need.

If an individual is accompanied by more than one animal, separate documentation will be requested to be provided for each animal.

## **8.2 Care and Management**

It is the responsibility of the individual to ensure:

- (a) The animal is accompanied by them at all times.
- (b) The animal is properly trained in their specific task(s) to assist the individual with their functional limitations.
- (c) The animal is under their care and control and compliant with any commands made to them.
- (d) The animal is housetrained and properly groomed.
- (e) The animal's needs are met (food, water, hygiene).
- (f) Any waste left by the animal is cleaned up immediately.
- (g) The animal is leashed/harnessed/muzzled/contained as required.

**Note:** The animal must not be prevented from performing its function; for example, if the service animal must retrieve objects as part of its role then the animal cannot be muzzled or contained.

## **8.3 Adverse Events**

It is the responsibility of the individual to ensure that the animal is properly trained and under their care and control at all times.

Any aggressive behavior (i.e. barking, growling) exhibited by an animal will not be tolerated and should the animal display any of these behaviours the individual may be asked to remove the animal to another location or from the premises entirely.

If any adverse events such as bites, scratches or other injurious behaviour occur the individual will be required to remove the animal from the area immediately.

## **9.0 Conflicting/Competing Disability Accommodations**

If there is a conflict between an individual accessing City goods, services or facilities, with a medical condition or need that is impacted by the presence of a Service Animal, the City will work with both the individual and the person accompanied by the animal to ensure fair and equitable access for all parties involved.

If a Service Animal prevents an employee from providing assistance (for example because of an allergy or phobia), the employee will arrange to have another staff member assist the individual.

## **10.0 Enforcement**

This City of Greater Sudbury policy will be supported by all City of Greater Sudbury staff and contractors (Security) to ensure compliance with Section 80.47 of the *Integrated Accessibility Standards Customer Service Standards* and the safety and security of all staff and residents that use City of Greater Sudbury facilities and services.

## **11.0 Training and Education**

City employees have been provided with training and have been educated regarding the role of Service Animals and Guide Dogs. City employees have been trained to understand that Service Animals and Guide Dogs are working animals that must be prepared to assist a person with a disability at any moment and should not be distracted in any way from doing so.

Signs will be posted at City facilities to indicate that Service Animals and Guide Dogs are welcome.

## **12.0 Responsibility**

The Legislative Compliance Coordinator in the Clerk's Services Department is responsible for reviewing this Policy in conjunction with applicable City of Greater Sudbury Departments. Recommendations regarding amendments to ensure ongoing compliance with regulated accessibility standards and legislated obligations will be provided as needed.

The Legislative Compliance Coordinator shall provide advice and direction on the implementation of this Policy.

Supervisors and managers shall ensure that they and their staff are familiar with and comply with this Policy.

## **13.0 References**

*Accessibility for Ontarians with Disabilities Act, 2005*

*Ontario Regulation 191/11: Integrated Accessibility Standards*

*Human Rights Code, 1990*

*Blind Person's Rights Act, 1990 / R.R.O 1990, Regulation 58: Guide Dogs*

City of Greater Sudbury Corporate Accessibility Policy

City of Greater Sudbury Accessible Customer Service Policy

City of Greater Sudbury Animal Care and Control By-law