

Protecting the rights of
people who rely on guide
and service animals
in Nova Scotia

Public discussion

What we heard

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Executive Summary

The Government of Nova Scotia sought input about protecting the rights of people who rely on guide and service dogs in their daily living. Consultation began in June 2015 with a deadline of July 31, 2015 for submitting comments.

The majority of those participating in the consultation want government to define service dogs and identify training and visual identification standards. However, several service dog users did not think legislation was necessary for them to exercise their rights. They were opposed to standardizing training and visual identification requirements, which they felt would place more burden on them. They preferred an educational approach.

The feedback received through this process has guided government's efforts to protect the rights of service dog users.

Highlights

- ▶ Many participants are concerned that people who rely on service dogs are facing increasing difficulties associated with discrimination, interference and risks from animals that have not been properly trained.
- ▶ Many participants want to be assured of their rights because they don't feel they have them.
- ▶ Some participants who have guide dogs and service dogs don't believe the same training and certification standards apply to therapy dogs. They are concerned this takes away from their own dogs and makes people take the issue less seriously.
- ▶ Some participants who have therapy dogs said their dogs are just as important and protection should be extended to them. They feel the service their dogs provide for them is not taken seriously.
- ▶ Some participants said anybody could say "this is my therapy dog" particularly where there is access to fake identification such as vests online.
- ▶ A vast majority of participants felt training standards need to be identified. They supported groups such as Assistance Dogs International (ADI) and the International Guide Dog Federation (IGDF). However, some noted there are other worthy organizations that train service dogs.

- ▶ Participants expressed concern that ADI certification would make it difficult for some people, and they mentioned the expense of having someone test their dogs, particularly since many people with disabilities struggle financially.
- ▶ The majority of participants agreed there should be identification standards, and most said a provincial identification card should be introduced and include a picture of the dog and the handler. Some did, however, feel that requiring identification was an additional burden and it was unfair to ask them to provide that kind of proof.
- ▶ Most participants want higher penalties for those who refuse access and for people who fake having a service dog. They don't believe fines under the Blind Persons' Rights Act are high enough and businesses and the general public don't take them seriously because the penalties aren't enforced.
- ▶ Many participants expressed frustration regarding people interfering with their service dogs noting the public needs to be educated on the validity of these medical aids. They also felt they shouldn't have to disclose their medical condition to gain access rights.
- ▶ Some expressed appreciation that this topic is being addressed and are hopeful that something meaningful will come out of it.

The following chart summarizes the number of participants who answered: "Yes", "No" or "Undecided or No Answer" to questions included in the discussion paper:

Subject	Yes	No	Undecided no answer
Limit scope of protection to service dogs, excluding therapy dogs	31	15	14
Introduce training standards	44	4	12
Introduce visual standards	43	5	12
Introduce provincial ID	40	9	11
Introduce penalties	44	5	11

Introduction

Nova Scotia has laws to protect people with certain disabilities who rely on guide and service dogs. For example:

- ▶ The Blind Persons' Rights Act addresses the rights of people who are blind or visually impaired. But it does not address the rights of people with other disabilities, nor the rights of people who use service dogs other than guide dogs.
- ▶ The Human Rights Act prohibits discrimination against anyone with a disability, and so the potential range is much broader. It specifically refers to hearing-ear dogs as well as guide dogs. But, again, this legislation does not address users of service dogs other than those specifically included in the act.

Several other jurisdictions now have laws that encompass all service dog users.

A service dog is individually trained to perform work or tasks directly related to the handler's disability. They include guide dogs for the blind or visually impaired, hearing dogs, seizure alert dogs and mental health service dogs. Examples of work or tasks include, but are not limited to, assisting individuals with navigation, alerting individuals to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, retrieving items, providing physical support and assistance with balance, and preventing or interrupting impulsive or destructive behaviours.

Nova Scotia has proposed it will confirm and extend rights protection for service dog users. This will help to ensure their access to places and services that others take for granted, such as eating at a restaurant, going grocery shopping, taking a taxi, staying in a hotel, visiting a hospital, or living in the apartment of their choice. At the same time, it will clarify the obligations of handlers to maintain care and control of their dogs in public.

How we consulted

Throughout June and July of 2015, the public and other stakeholders were invited to review a discussion paper and share their thoughts. The content of the discussion paper was developed with input from early conversations with the Disabled Persons Commission, The Human Rights Commission and members of Canadian National Institute of the Blind (CNIB) and the Canadian Council of the Blind and focused on four key areas:

1. Definition of service animal
 2. Training standards
 3. Identification standards
 4. Penalties
- ▶ Nova Scotians were invited to visit the Nova Scotia Department of Justice website where an online form was available for comment. News of the consultation was shared via the media, including television, radio, Twitter and Facebook. Three open houses were also held in Halifax, Cape Breton and Yarmouth, and copies of the discussion paper were available at Access Nova Scotia centres throughout the province. The department also sent messages to key stakeholder groups informing them of the consultation.
 - ▶ Submissions were accepted until July 31, 2015 by e-mail, regular mail, at open houses, TTY, toll free and through discussions with staff. The discussion paper was made available in large print, ASL, Braille and French.
 - ▶ Sixty submissions were received and 28 people participated through face-to-face meetings and telephone calls.
 - ▶ About half of the participants indicated they were from Halifax. Submissions were also received from the following counties: Cape Breton, Richmond, Colchester, Cumberland, Kings, Yarmouth, Pictou and Antigonish as well as from PEI, Quebec, Alberta and one from the US.

We also asked people about themselves and based on those who responded to the question, we captured a range of perspectives, including, service dog users (13), guide dog users (9), government staff members (9), concerned citizens (6), community groups (3), public service providers (2), and business interests (2).

ISSUE 1: Definition of service animal

Question asked

Should Nova Scotia limit the scope of protection to include only service animals, excluding therapy animals?

What we heard

- ▶ The majority of existing service dog users who participated in the consultation felt Nova Scotia should limit the scope of protection to include only service dogs, excluding therapy dogs. They noted that untrained dogs and untrained handlers are a potential risk to others.
- ▶ They noted that service animals are individually trained to perform tasks that mitigate their handler's disability and are an extension of that person's functioning capacity. Some also noted that people have allergies and concerns and to be fair, there is a need to ensure animals are necessary and well trained.
- ▶ Some reported that therapy dogs also provide essential support and should be granted public access rights. They noted if therapy dogs have successfully completed training, they should be included in the scope of any new legislation. They felt flexibility is required so that standards can apply to individuals and dogs on an as needed basis.
- ▶ To complicate matters, there are also what are commonly referred to as "facility dogs". These dogs are trained to the same public access standards as service dogs and are paired to work full time with a professional in a professional capacity.
- ▶ Many felt broad public access rights should only extend to users with service dogs that have received extensive training. However, they also suggested that therapy dogs should be accommodated where possible and given limited access.
- ▶ Others noted that users with retired service dogs and those training puppies also need access rights.
- ▶ While doctors or other health professionals may be able to certify that someone needs a dog to assist them, some said only recognized schools can determine if a potential applicant can use and care for a service animal.

ISSUE 2: Training standards

Questions asked

- ▶ Should Nova Scotia identify certification standards for guide and service animals?
- ▶ Should Assistance Dogs International (ADI) be the certification standard for service animals?
- ▶ Should the International Guide Dog Federation (IGDF) continue to be recognized as the standard for guide dogs?

What we heard

- ▶ The majority of participants felt rigorous training and socialization standards are essential to protect handlers and the general public as well as ease concerns by businesses. They noted this was, in part, necessary to minimize the number of people posing their animals as service dogs and concerns regarding “pop up” service dog schools.
- ▶ In the absence of national standards, the department had suggested identifying the self-regulated and internationally recognized Assistance Dogs International (ADI) as the training standard, which is the case in Alberta and BC. However, several participants expressed concern that only identifying ADI will exclude other legitimate service dogs, including those trained by a group of trainers connected with MSAR/Courageous Companions based in Manitoba as well as owner-trained dogs.
- ▶ Some participants noted ADI is well known and has high standards and most supported IGDF as the recognized standard for guide dogs.
- ▶ Others identified a number of issues associated with relying on one set of training standards for service dogs, including potential lack of access to testers in Nova Scotia as well as costs associated with securing specific accreditation. It was suggested that all organizations that certify service animals should be included and there should be an opportunity for owner-trained dogs to be tested.

- ▶ Given the individual nature of training required, it was suggested that service dog users along with a trainer should determine standards for tasks required.
- ▶ If certification standards are identified, people said there is a need to ensure non-certified dogs are given an opportunity to be certified through an assessment process.
- ▶ Some noted that any standards need to be harmonized with best practices across the country. Others said the country needs national training and identification standards.
- ▶ Still others suggested that certification puts the burden on legitimate teams, and the burden should be on those who are trying to pass pets off as legitimate service dogs. They felt that identifying and policing standards appear to be extending the role of government too far.
- ▶ If certification is required, some suggested this should not be left to private organizations but rather undertaken by government through Access Nova Scotia. It needs to be done locally and at minimum expense to the person in need with a focus on public safety.
- ▶ It was suggested by some that standards should not place identification and certification requirements on the person with the disability. Rather standards should be taught to business owners to empower them to ask a poorly behaved dog to be removed.
- ▶ It was also suggested that contact information for the provincial department responsible should be advertised for anybody with general questions, inquiries or complaints.

ISSUE 3: Identification standards

Questions asked

- ▶ Should Nova Scotia clarify the visible identification standards for guide and service animal teams?
- ▶ Should the identification standards include a provincial identification card?

What we heard

- ▶ The majority of participants felt visual identification standards would provide clarity to service providers should issues arise, particularly for those handlers with invisible disabilities. It would give immediate recognition that a minimum standard has been verified by a representative of government, and it would let the public know they cannot interact with the dog.
- ▶ Some identified an increase in the number of people using “home made” visual standards such as vests, noting that uncertified animals pose a danger to the person being helped and to the public.
- ▶ Some concerns regarding identification were noted, including the idea that standard visual identification could draw even more attention to the handler and “label them as impaired”, which could cause undue stress. Others said people lacking fine motor skills would have difficulty fastening visual standards such as vests.
- ▶ Others noted that service dogs from accredited schools always have identification cards and that the name of the school is always visible on the dogs’ harness. They noted that asking people to have provincial identification can create a barrier as people would have to go through another process.
- ▶ The majority also supported making photo identification available. However, there were some concerns noted, including a fear that anyone could demand to see identification at any time; concern that service dog users from out of province would have difficulty exercising their rights; as well as duplication and administrative burden since teams already have identification from their training school or partner.

- ▶ While identification was viewed as a good idea, some people noted it should not be required for access and viewed any attempt to limit protection to those who hold Nova Scotia identification cards as a discriminatory practice.

ISSUE 4: Penalties

Question asked

- ▶ Should Nova Scotia increase fines for breaking the laws that protect guide and service animal users?

What we heard

- ▶ The majority of participants felt that higher penalties are needed to serve as an effective deterrent for those who deny access, interfere with a service dog or falsely represent a service dog.
- ▶ Participants noted that enforcement is critical with a need to ensure enforcement officials are aware of their role.
- ▶ The existing \$200 penalty under the Blind Persons' Rights Act was considered low with a need to increase fines substantially if people are to take it seriously and if the fine is to serve as a true deterrent for violations.
- ▶ Others suggested education is needed and that those who deny access should be required to go through an educational session that they should have to pay for. It was suggested that fines should not be the first course of action. Education would also help people learn what they should legitimately expect when they see a guide or service dog.
- ▶ If fines are collected, it was suggested the money collected be dedicated to educational programs promoting public awareness.
- ▶ It was also requested that legislation be practical in its ability to allow government to educate the public, reward compliance and only enforce penalties against repeat offenders.

Additional comments

- ▶ In the interest of clarity and red tape reduction, it was suggested that accessibility legislation (including legislation related to guide and service dogs) should be under one department.
- ▶ The safety of dogs entering and exiting vehicles is a concern. Several participants asked that car owners with service dogs be given the opportunity to obtain permits for handicapped parking zones.
- ▶ It has been suggested the province recognize the role of emotional support and therapy dogs under its Mental Health Act.
- ▶ Many people expressed frustration regarding people interfering with their service dogs noting the public needs to be educated on the validity of these medical aids. They also felt they shouldn't have to disclose their medical condition to gain access rights.
- ▶ People expressed appreciation that this topic is being addressed and are hopeful that something meaningful will come out of it.

Next steps

The feedback received through this process will guide government in considering legislation to protect the rights of service dog users.



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