Employment and Equal Opportunities Service

Assistance Dogs- Reference Guide

The Employment and Equal Opportunities Service (EEOS) offers free and impartial advice to anyone in Guernsey, Herm or Jethou on matters relating to employment practices, employment legislation and the prevention of discrimination in the workplace or in the provision of goods and services.

Note: This quick reference guide is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

Foreword

Under the Prevention of Discrimination (Guernsey) Ordinance, 2022 (‘the Ordinance’), it is unlawful for businesses and employers to discriminate on the grounds of race, disability, carer status, religion or belief, and sexual orientation. This means people cannot be treated less favourably when they are accessing employment, goods, services or facilities, accommodation or clubs and associations if the reason for that treatment is related to one or more of these Protected Grounds.

Who should read this guide?

If you offer a service to members of the public, whether for payment or not, if you are a private business or a public service, or if you are an employer, then this quick reference guide is for you. It explains what your legal duties are under the Ordinance to assistance dog owners and how you can meet these duties.

What is an assistance dog?

Assistance dogs are specifically trained to do work for a disabled person which compensates for, or removes, the effects of the person's disability, for instance a dog which has been trained to:

- guide a visually impaired person,
- assist a hearing impaired person,
- assist a person with epilepsy or diabetes,
- provide a disabled person with medical alert services, or
- assist a disabled person who has an impairment that affects the person's mobility, manual dexterity, physical co-ordination or ability to move everyday objects.

Assistance dogs do not include dogs which are used solely for the purposes of protection, personal defence or comfort.

In Guernsey, to be protected under the Ordinance, an assistance dog used by a disabled person must be trained by a ‘prescribed organisation’. To be prescribed, an organisation must be an accredited member of Assistance Dogs International or the International Guide Dog Federation. They may also be members of coalitions like Assistance Dogs UK, whose membership consists of national assistance dogs’ charities with accreditation from Assistance Dogs International or the International Guide Dog Federation. See links to more information at the end of this document.

It should be noted, however, that not all dogs trained to be assistance dogs will be trained by organisations accredited by Assistance Dogs International or the International Guide Dog Federation. This may be because the organisation that trained these dogs has not sought accreditation or is in the process of acquiring accreditation. Although disabled people with such assistance dogs will not be able to pursue a discrimination complaint, businesses may still wish to accommodate these dogs to allow their users access their goods or services to increase custom.

Please note, the Ordinance does not prevent businesses from allowing access to assistance dogs not trained by accredited organisations. The position in respect of these dogs is unchanged compared to the position as of September 2023, before the Ordinance came into force. Businesses, organisations and the public sector are encouraged to allow access to all assistance dogs, whether they have been trained by a prescribed organisation or not. However, under the Ordinance they do not legally have to do so if the dog has been trained by an organisation that is not accredited by either Assistance Dogs International or the International Guide Dog Federation.

How do assistance dogs help people?

While Guide and Hearing dogs support people with sight and hearing impairments respectively, there is a wide range of other kinds of assistance dogs that have been trained to assist people with an array of disabilities, from medical alert dogs – for example, to support someone with diabetes – to psychiatric service dogs, which support people with certain mental health conditions, such as PTSD or bipolar disorder.

What is an emotional support or therapy dog?

An emotional support dog provides companionship to an individual. A therapy dog does the same for multiple people. Individuals benefiting from these kinds of animals do not necessarily have a disability and such animals, whilst providing comfort, are not specifically trained to help an individual overcome their disability in any particular way.

Emotional support and therapy dogs are not covered under the Ordinance and where someone is refused access for an emotional support or therapy dog, they will not be able to make a complaint of discrimination under the Ordinance.

Training and identification of assistance dogs

Assistance dogs are highly trained to specific standards that ensure public safety, animal welfare, welfare of the user and in such a way that will not disturb or interfere with businesses' usual operations. In some cases, such dogs are bred specifically to be assistance dogs and will often be trained from puppy age.

The training ensures that assistance dogs:

- will not wander freely around premises,
- will sit or lie quietly on the floor next to their owner, and
- are unlikely to foul in a public place.

Most are instantly recognisable by a harness or jacket. However, the Ordinance does not require the dog to wear a harness or jacket to identify it as an assistance dog.

It is expected that those people with dogs trained by prescribed organisations will have some kind of ID that will indicate that the dog is trained by an organisation accredited by Assistance Dogs International or the International Guide Dog Federation, but this is not actually required by the Ordinance.

Why should assistance dogs be welcomed by businesses?

Disabled people who use assistance dogs quite often experience discrimination that prevents them from doing everyday things other people take for granted. This is because shops, restaurants and other businesses sometimes deny assistance dogs access to the premises. If this happens it means the disabled person does not have the opportunity to buy goods or use services in the way other people do. The result of this is that the business could lose custom and, where the dog has been trained by a prescribed organisation, the business could also be open to a claim of disability discrimination, which could result in a requirement to pay financial compensation to the person discriminated against.

Frequently Asked Questions

Q: How can I tell if a dog is an assistance dog and not just a pet?

A: Assistance dogs are highly trained to the owner's requirements and:

- will not wander freely around the premises,
- will sit or lie quietly on the floor next to its owner, and
- the owner may have paperwork ID and the dog may have a special harness or jacket, although it is not a requirement of the Ordinance that they do so.

If you run a business and have a lot of customer-facing staff, consider displaying a small sign or sticker on the door or wall at the entrances showing that assistance dogs are welcome. Make sure all relevant staff are made aware that they must allow access to assistance dogs which have been trained by a prescribed organisation, except in very exceptional circumstances, such as certain hospital wards.

Q: Could the dog foul on my premises?

A: Assistance dogs are highly trained and so are very unlikely to foul while they are working in a public place.

Q: My business sells food products. Am I obliged to allow assistance dogs in?

A: Assistance dogs are highly trained, have regular veterinary treatments and are tested on a regular basis to make sure they don't present a health risk. The

Chartered Institute of Environmental Health have confirmed they are unlikely to present a risk to hygiene and should be allowed access to restaurants, food shops and other food-related premises.

Q: What if the assistance dog is a danger or nuisance to other customers or staff?

A: Assistance dogs are highly trained to make sure they are always under control and will not be a nuisance to anyone. For example, they will not jump up on a member of the public and will lie down at their owner's feet if the owner sits down to eat.

Disabled people who are partnered with assistance dogs may also receive expert training to ensure that they can handle their dogs.

Therefore, whilst this is an extremely unlikely scenario, if the dog were to act in a way that was a concern to the business owner, such as reacting aggressively to people or other dogs, then the business owner could ask the assistance dog to leave, as they could show they have a justification to do so. However, only if the dog behaved inappropriately and not just because someone was concerned that they might do so. It would also be acceptable to require the dog to wear a lead/harness whilst working.

Q: Why should I allow a disabled person to be accompanied by their assistance dog?

A: Disabled people rely on their assistance dogs to assist them with everyday tasks and would find it hard to manage without them. It would be unlawful to refuse access to a disabled person accompanied by an assistance dog that has been trained by a prescribed organisation except in the most exceptional circumstances (for example, in certain hospital wards).

Q: What if someone is or might be allergic to dogs?

A: Refusing to allow access to people with assistance dogs because other people 'might' be allergic to dogs is likely to be unlawful disability discrimination. This is because the Ordinance requires service providers to make reasonable adjustments to policies for disabled people. This includes amending 'no dogs' and 'no pets' policies to allow access for assistance dogs. If there is an identifiable person with an allergy to dogs, then employers and service providers should take reasonable steps to ensure that person has minimal or no contact with dogs; reasonable steps are unlikely to include banning all assistance dogs except in the

most exceptional circumstances.

Q: Am I allowed to take my assistance dog to a restricted beach during the summer?

A: The Control of Dogs Ordinance, 1992 bans dogs from seven beaches across Guernsey from 1st May to 30th September and, on the Island of Herm, dogs are also excluded from Shell Beach, Belvoir Bay, Fisherman's Beach and the stretch of beach in front of the White House Hotel to the Herm Harbour Jetty during that same period.
Owners of Assistance dogs (including Guide Dogs) are exempt from the Control of Dogs Ordinance. Assistance dogs are those registered under the UK Registered Assistance Dogs Scheme or those trained by organisations prescribed under the Prevention of Discrimination (Animals) (Guernsey) Regulations 2023. Please contact Agriculture, Countryside and Land Management Services (aclms@gov.gg) if you have any questions.

More sources of information and advice

Assistance dogs- a guide for businesses: assistance-dogs-a-guide-for-all-businesses.pdf (equalityhumanrights.com)

International Guide Dog Federation: Home - International Guide Dog Federation (igdf.org.uk)

Assistance Dogs International: ADI Terms & Definitions - Assistance Dogs International

Therapy Dogs International: Frequently Asked Questions - THERAPY DOGS NATIONWIDE (tdn.org.uk)

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