Assistance Dogs UK

Quick Guide

Welcoming Employees with Assistance Dogs in the Workplace

www.assistancedogs.org.uk

Assistance Dogs UK

Assistance Dogs UK (ADUK) is a coalition of assistance dog charities that have been accredited by one of the two leading global authorities in the assistance dog industry, namely Assistance Dogs International and the International Guide Dog Federation. We also work with a range of organisations that are working towards the same accreditation that our members have achieved.

What is an assistance dog?

An assistance dog is a dog that has been highly trained to carry out a range of tasks and alerts that support a disabled person or person with a long-term medical or health condition.

As more employers consider making their workplace dog friendly, it's important to distinguish between allowing employees to bring their pet dogs to work, and the legal obligations that employers have to disabled employees with a trained assistance dog. If an employer is considering becoming more pet friendly, they might want to consider how having multiple dogs in the workplace will impact an assistance dog and their handler.

Photo credit: Medical Detection Dogs

The Law

In the UK, disabled people have important rights under the Equality Act 2010 and the Disability Discrimination Act 1995 (Northern Ireland). It is unlawful for public services, service providers and local authorities to treat disabled people less favourably, e.g. refusing a service or offering a lesser service because a disabled person has an assistance dog.

In the context of the law, when it comes to providing access, a highly trained assistance dog should be treated as an auxiliary aid e.g. wheelchair or white cane, rather than as a pet dog.

It is important to remember that not every person with an assistance dog has a visible disability and not all assistance dogs will look the same.

Reasonable Adjustments

The Equality Act 2010 and the Disability Discrimination Act 1995 (Northern Ireland) state that service providers must make reasonable adjustments for disabled people so that they can access their venues, goods, and services.

An employer is required to make reasonable adjustments to enable a disabled employee with an assistance dog to attend the workplace and carry out their job. These could include:

- Making space for the dog and its bed, such as potentially moving a workstation to a quieter part of the office/space.
- Providing or allocating an outside space or 'spending area' where the dog can relieve itself (if outside space is available).
- Making changes to working hours to accommodate short breaks to allow the dog to have a comfort break.

In requesting a reasonable adjustment a disabled person may choose to share information with you about their impairment or health condition. However, this information is shared at the individual's discretion, and it is not appropriate to question or challenge someone about their disability.

Staff and Customer Allergies and Phobias

To ensure fair and equitable access to venues and services, it is good practice to discuss and identify any potential barriers with staff and volunteers. Proactively addressing these issues supports confidence, consistency and inclusive practice.

Allergy to dogs is sometimes given as a reason for not admitting assistance dogs. Where a clear allergy risk to a specific individual is identified by an employer, reasonable steps should be taken to reduce this risk. However, refusing access to an assistance dog based solely on the possibility that other people may be allergic is unlikely to be considered a justifiable response.

Disabled people should not be expected to bear the cost of any additional cleaning, staffing or other measures required to reduce risk. Similarly, refusing access to a disabled person with an assistance dog due to fear of dogs among staff or customers is unlikely to be considered a justifiable response.

What to Expect

Assistance dogs are trained to wait quietly until they are needed. On average, dogs sleep/rest between 12 – 14 hours per day so once a dog has settled into its routine then you will most likely find that it will be in its bed resting or sleeping until it is called upon to respond.

Not all assistance dogs are trained by an ADUK member, but all assistance dogs should be highly trained by whoever does train them, whether that be a non-accredited charity, a professional trainer or an individual.

The Equality & Human Rights Commission states that assistance dogs should be highly trained and will be:

- trained to behave well in public
- have safe and reliable temperaments
- healthy and not constitute a hygiene risk
- fully toilet-trained
- recognisable by the harness, organisation-specific coat, lead slip or ID (though this is not a legal requirement)

Photo credit: Support Dogs

Unexpected Behaviour

No assistance dog, no matter how highly trained and experienced is going to be perfect 100% of the time. Whilst they are trained to focus on their partner, from time to time they may be distracted. However, there are some behaviours that you would not expect to see such as

- dogs that have been not trained to behave well in public e.g. barking, lunging, or jumping up or pulling strongly on a lead (please note though that these may sometimes be alert behaviours)
- dogs with aggressive or very fearful temperaments e.g. cowering or showing aggression
- poorly cared for dogs that constitute a hygiene risk or dogs that are not toilet trained

Identifying Assistance Dogs

Although most assistance dogs are recognisable by their jacket, harness, lead slip or bandana there is no legal requirement for them to wear these. Some people may choose not to use these visual cues for their assistance dog and legally, they are within their rights.

This lack of visible identification can create challenges in easily distinguishing assistance dogs from pet dogs.

People with assistance dogs trained by an ADUK member organisation are issued with an ADUK booklet or card containing details about the dog and the charity that trained it. Some may use the Assistance Dogs International App on their phone to show that the organisation that trained their dog is accredited.

Photo credit: Hearing Dogs

Not all disabled people who are partnered with an assistance dog will have trained their assistance dog through a charity so may not carry a specific ID, nor are they required to by law.

There is no official registration or certification process for assistance dogs in the UK so there is no legal 'proof' that you can ask for from someone who is accompanied by an assistance dog.

Refusing access

It may be unlawful to refuse access to a disabled person with an assistance dog because it has not been trained by an ADUK member. However, it could be considered reasonable, as part of meeting a duty of care to staff and customers, for an employer to seek reassurance that the assistance dog is highly trained and appropriately insured (insurance is not a legal requirement).

If an individual asserts that they are disabled and that their dog is a highly trained assistance dog, and the dog acts as expected, it may be unlawful to deny them access. If it becomes evident that the dog is not behaving in line with the list of expected behaviours outlined by the Equality and Human Rights Commission, refusing or revoking employment or access may be justifiable.

Assistance Dogs in Training

In order to prepare a dog for life working as a happy and healthy assistance dog, it's vital that they are exposed to a wide range of different environments and situations. To do this, many charities rely on the good will of service providers to allow them access.

Assistance Dogs in training are not referenced in either the Equality Act 2010 or the Disability Discrimination Act 1995 (Northern Ireland). As such it is ADUK's understanding that service providers are not legally obliged to give access to someone with an assistance dog in training in the same way that they would do a disabled person with a highly trained assistance dog.

ADUK members can take up to two years to prepare and train an assistance dog. Whilst there is nothing in law about the age a highly trained assistance dog must be, it would be unlikely that a dog under a year old would be adequately prepared for the role.

Photo credit: Service Dogs UK

Emotional Support Dogs

An assistance dog is a highly trained dog that is prepared and trained to carry out tasks and alerts to mitigate for an impairment or health condition. An emotional support dog is a dog that offers comfort and companionship by being present, which requires no specialist training.

Emotional support dogs are not referenced in law, so it is ADUK's understanding that service providers are not legally obliged to allow access to someone with an emotional support dog.

Emotional support dogs and highly trained psychiatric assistance dogs are not the same thing. A disabled person with a highly trained assistance dog that mitigates a mental health condition should be given access to venues, goods and services.

Case study 1: Tash

Tash works in a design office in the city. She was recently partnered with an assistance dog and plans for the dog to accompany her to work.

Reasonable Adjustment:
Tash's employer is aware of their legal obligations and makes the reasonable adjustment necessary for Tash to be accompanied by her assistance dog. Tash's desk was right by a busy entrance, so her desk is moved to a quieter space that has ample room for a dog bed**.**

However, the employer does not allow Tash adequate breaks to toilet the dog and there is no spending area provided nearby. Tash uses all her breaks to meet the dog's needs and is unable to meet her own needs properly, such as taking a proper lunch break.

Being more flexible about Tash's break times would mean that she has more time to meet her own needs and thrives at work. Employers should consider the wider needs of the person and their assistance dog and make reasonable adjustments wherever possible.

Risk assessment

Example:

Risk	Controls in Place	Risk Rating	Allocated Person
Assistance Dog in the office	Employees desk moved to an area with space for a dog bed	3	Joe
Assistance Dog has an accident at work	Dog insurance and public liability insurance are in place	2	Tash

Case study 2: Tom

Tom has started a new job as a data analyst in a large office complex. Tom has a medical alert dog and needs to be accompanied by his dog at all times.

Reasonable Adjustment:

Tom's employer speaks to him about his needs. The employer welcomes Tom and his medical alert dog into work and arranges for Tom's colleagues to have training about interacting with assistance dogs.

However, the office-building management company tell Tom that he cannot take his medical alert dog into the staff canteen, so Tom ends up buying lunch from a local convenience store and eating outside. Tom is now unable to take advantage of discounted food and a warm inside space to spend his breaks making connections with new colleagues.

There is no reason for Tom and his assistance dog to be refused access to the staff canteen and this refusal puts Tom at a disadvantage to his colleagues. Disabled people with assistance dogs should not have their access resisted by being expected to sit in pet friendly areas or outside.

Assistance Dogs Around Food

Highly trained assistance dogs should be allowed access to restaurants, food retailers and other premises where food is available. Due to the very specific training and health tests that highly trained assistance dogs go through, certainly dogs trained by ADUK members, they are unlikely to be a risk to hygiene in premises where food is available.

As such, an employee with an assistance dog should not have their access restricted by being expected to sit in pet friendly areas or outside seating areas. By restricting choice in this way, you would be offering a less favourable service.

This would not include areas where food is prepared for sale such as professional or commercial kitchens.

Additional Sources of Information

For further details about welcoming disabled people who rely on assistance dogs see the Equality and Human Rights Commission's Assistance dogs: A guide for businesses and service providers

Other ADUK Quick Guides and Resources

ADUK has produced a range of Quick Guides and resources which provide information about the legal obligations anyone who provides a service has towards assistance dog partnerships.

Although many of the resources are aimed at service providers, venues and businesses they all contain information about the rights of disabled people and are designed to be of use to many different audiences.

All of our guides and resources can be found at our Information Hub.

ADUK Quick Guides provide general information and best practice regarding assistance dogs and, where relevant, ADUK's interpretation of applicable legislation. The content is intended for information sharing purposes only and does not constitute legal advice. If you require advice on a specific legal matter, we recommend seeking independent legal advice.

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Find out more about ADUK, our work and our members

www.assistancedogs.org.uk

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