

Equality Commission

FOR NORTHERN IRELAND

The Disability Discrimination Act 1995

**Assistance Dog Owners -
*their rights***

**Employers and Service Providers -
*best practice***



1. Introduction

This guide aims to inform assistance dog owners of their rights and to help employers and service providers to implement best practice in order to comply with the *Disability Discrimination Act 1995* (“DDA”). It gives general guidance for service providers and disabled people about best practice and should not be treated as an authoritative statement of the law.¹

The Equality Commission for Northern Ireland is an independent public body established by the *Northern Ireland Act 1998*. The Commission’s mission is to combat discrimination and to promote equality of opportunity through advice, promotion and enforcement.

The Equality Commission provides:

- Advice and information to employers, service providers and individuals about equality law, including the DDA, through training, telephone and text-phone and e-mail advice, publications and meetings.
- Legal support and information for individuals who believe that they may have been discriminated against.

1.1 What is an assistance dog?

Assistance dogs are dogs that have been trained to work in partnership with disabled people to assist them in accessing services and to help them to improve their mobility, independence and quality of life. Assistance dogs support people with a wide range of disabilities; including visual impairments, deafness, physical disabilities and hidden disabilities.

Assistance dogs are highly trained working dogs: they are not pets! Assistance dogs can be recognised by the harnesses and coloured jackets that they wear. A jacket will usually display the name of the organisation that trained the dog in question.

¹ This guide was reproduced and adapted for Northern Ireland with kind permission of the Equality and Human Rights Commission and Assistance Dogs (UK), who also provided the photographs used here. We would like to thank both of those organisations.

2. Discrimination against people who use assistance dogs

2.1 What is the problem?

Disabled people who use assistance dogs quite often experience discrimination in doing everyday things which others take for granted. This is because shops, restaurants and other businesses sometimes object to assistance dogs being brought onto their premises.

2.2 Is it against the law to do this?

It will usually be against the law to discriminate in this way. The DDA says that anyone who provides goods, facilities or services to the public cannot, without a lawful justification, treat a disabled person less favourably than a comparable non-disabled person by refusing to provide the service for a reason relating to the disabled person's disability. Nor can service providers, without a lawful justification, use a person's disability as a reason to provide them with a lower standard of service than is offered to other people or a service on worse terms. Doing any of these things could result in an act of unlawful disability discrimination.

Most importantly, however, the DDA also requires service providers to make "reasonable adjustments" to any of their policies, practices or procedures which make it impossible or unreasonably difficult for a disabled person, compared to a person who is not disabled, to make use of the goods, facilities or services on offer. It is likely, for example, that a service provider, such as a restaurant or café or shop, may be obliged not to enforce a "no dogs" policy in respect of assistance dogs.

Carrying of assistance dogs in taxis

In addition to the rules that ban disability discrimination against disabled people and which impose a "reasonable adjustment duty", there is an additional special rule regarding the carrying of assistance dogs in taxis. Sections 37 and 37A of the DDA make it a criminal offence for taxi operators to refuse to accept a booking from, and for taxi drivers to refuse to carry, a disabled person on the grounds that he/she wishes to be accompanied by an assistance dog. It is also a criminal offence for the driver, or for the operator, to charge extra for carrying an assistance dog in a taxi. This rule applies to all taxi drivers, except for those who have been exempted on medical grounds by the Department of Environment. Drivers who are exempt must publicly display in their taxis the notice of exemption that has been issued to them by the Department.

2.3 Why is it important not to discriminate in this way?

Many disabled people rely on an assistance dog to assist them with their mobility by guiding or alerting them to sounds. Disabled people would find it extremely difficult to manage getting around without the assistance dog.

Therefore, if a business owner refuses to allow an assistance dog onto their premises, the effect is to deny the disabled person the ability to buy goods from them or to use their services in the way other people do.

3. Why are assistance dogs refused access?

3.1 Hygiene and health & safety

It is entirely understandable that some businesses have a general policy of not allowing pets onto their premises for health and safety reasons. However, even where hygiene is particularly important (in food shops and restaurants, for example) it should be possible to make exceptions for assistance dogs, despite concerns over health and safety.

The Chartered Institute of Environmental Health recommends that assistance dogs are exempt from 'no dogs' policies.

This recommendation is based on a number of factors:

- Assistance dogs are highly trained working dogs, not pets.
- An assistance dog will not wander freely around premises.
- An assistance dog will sit or lie quietly on the floor next to its owner.
- Assistance dogs are trained to go to the toilet on command and so are unlikely to foul in a public place.

Therefore, there is no reason why assistance dogs cannot enter shops and premises with their owners in the same way as any other member of the public.

3.2 "No Dogs" and "No Pets" Policies

Assistance dogs will also be excluded as a result of blanket "no dogs" or "no pets" policies. As assistance dog owners rely on their dogs to get around safely, the outcome of a "no dogs" policy will effectively be that an assistance dog's owner will be refused access to a service for a reason relating to his/her disability.

It is especially important for service providers to note that the DDA requires them to make reasonable adjustments to policies, like "no dogs" policies, that act as barriers to disabled people, or to some disabled people. One such adjustment that is likely to be reasonable would be to waive "no dogs" or "no pets" policies so that assistance dogs are not refused access.

3.3 Religious or cultural grounds

Religious or cultural beliefs may sometimes be given as a reason for not admitting assistance dogs. However, it should be noted that the reasonable adjustment duty will usually require service providers to permit access to assistance dogs and such beliefs are not likely to be an adequate justification for applying a “no dogs” policy to assistance dogs. However, this is a sensitive aspect of the access issue and tact should be used by all involved.

3.4 Can a service provider justify refusing to serve an assistance dog owner or not to allow an assistance dog onto their premises?

Although it may sometimes be possible to justify refusing to serve a person who uses an assistance dog, the law will only permit such justification in exceptional circumstances. Service providers may contact the Equality Commission for advice in specific cases.



4. Examples of the DDA in action in Northern Ireland:

Example 1

Two men, who are blind, were refused admission to a public house on the grounds that an assistance dog was a risk to health and safety. They received £4,000 and £3,000 in compensation and the public house agreed to liaise with the Equality Commission for Northern Ireland about their policies, procedures or practices.

Example 2

A man with his assistance dog was refused accommodation by a guest house. He received £500 in compensation.

Example 3

A woman who is deaf and blind, and is aided by an assistance dog, went to a restaurant for a meal. She was initially refused by the restaurant and then told she could have a seat in a corner out of the way of other diners or the dog could stay alone in the hall. The staff member then told her they were too busy. She received £1000 in compensation, an apology and the restaurant admitted liability. The legal costs of the Equality Commission who supported the woman, were also paid by the restaurant.

Example 4

A woman who is blind and is aided by an assistance dog was refused admission to a restaurant, and was offered instead a carry out service. She received £1000 compensation and an apology from the restaurant. The restaurant also admitted liability; agreed to send its staff on disability awareness training; and paid the legal costs of the Equality Commission, which supported the case.

Example 5

A woman who has a hearing impairment and uses an assistance dog, alleged that she was told that the dog could not enter the dining room of a hotel which she had gone to for a meal. She alleged that the staff involved had been confrontational. Although she was allowed to bring her dog into the dining room after producing a letter explaining that it was a hearing assistance dog, she stated that she was very upset by the incident. The hotel made a £1000 donation to a hearing dog charity.

Example 6

A blind woman who uses an assistance dog was refused service in a restaurant. The restaurant suggested that she and her friend, who is also blind, buy a take away meal or leave the dog outside. The Defendant paid £1000 to the woman, apologised and admitted that it had discriminated against her.

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How can we help?

The Equality Commission for Northern Ireland can give advice and information on the Disability Discrimination Act 1995 through training, telephone and textphone advice, booklets and leaflets or we can meet with you.

For further information, please contact us at:

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