

Who Let the (Seeing Eye) Dogs out-or Rather in?



As a telecommuter, I'm fortunate to have my dog as my regular office-mate. But although more workplaces are becoming dog-friendly, in most, dogs (and other pets) are banned. Having a no-dogs policy is perfectly fine'provided that employers accommodate disabled workers who need seeing eye and other assistance dogs on the job.

An employer in Qu bec recently learned the consequences of not accommodating a sight impaired worker's need for a seeing eye dog in the workplace.

A massage therapist with a degenerative sight condition worked at a care centre. When she was interviewed for the job, she said she'd soon be getting a seeing eye dog. The employer didn't object. After she was hired, she completed training by the Mira Foundation on using a seeing-eye dog and then told the employer that her seeing eye dog would have to come with her to work.

But the employer refused to let the seeing eye dog into the workplace, relying on another worker's fur allergy, odours and a lack of available space. When the therapist told the employer she couldn't leave the dog at home, the employer stopped giving her any work hours.

So she filed a discrimination complaint with Quebec's Human Rights Commission, which upheld her complaint. And the Human Rights Tribunal agreed.

On a balance of probabilities, the employer had failed to accommodate the therapist. And requiring a visually impaired person to leave her seeing eye dog at home for four hours a shift wasn't a reasonable accommodation.

The Tribunal also noted that the employer's other concerns about the dog could've been addressed by working with the Mira Foundation, who gave the therapist the seeing eye dog but it never reached out to the organization. So it ordered the employer to pay the therapist damages [*Commission des droits de la personne et des droits de la jeunesse c Spa Bromont inc.*, [2013] QCTDP 26 (CanLII), July 25, 2013].