

# Going to the dogs — a tricky workplace decision

By Paul Russell, [AdvocateDaily.com](#) Contributor



Employers that allow dogs and other animals in the workplace are inviting problems, but they can cut the risk with careful planning and effective pet policies, says Toronto civil litigator [Sarah O'Connor](#).

"There are many legal issues that people don't think about that could arise when domesticated animals are in a work environment," says O'Connor, principal of [O'Connor Richardson Professional Corporation](#).

Managers should check with their insurance company to see if having animals on the property would conflict with the policy's accident coverage, she says. And if its business activities are governed by Workplace Safety and Insurance Board regulations, that can also be a reason to say no to pets, O'Connor says.

"All employees should be consulted first, to make sure everyone is comfortable with that idea and that no one is allergic to them," O'Connor tells [AdvocateDaily.com](#).

Companies that rent space should confirm with their landlords that animals are allowed on the property since that might violate the regulations governing that building, she says.

"Dogs have to be vaccinated, and properly trained, so they don't bark or bother people," she says. "If they bite someone, there could be a lawsuit or the incident could end up before a labour board or the Human Rights Tribunal, so those are all aspects that an employer will have to take into consideration when deciding if it is worth the risk."

According to a [Globe and Mail](#) article, an increasing number of firms are taking that risk, citing a U.S. survey that found that nine per cent of respondents work in pet-friendly offices, compared with four per cent in 2014.

An organics company in Toronto with 120 employees has up to 12 dogs visiting each day plus a "pig named Murphy," according to the article. A sign in the office states, "Aggressive behaviour such as growling, barking, chasing or biting is unacceptable, and the pet will have to be taken home upon first complaint."

A company employee is quoted as saying that no dog has been sent home since the policy was introduced and that compromises are struck with people uncomfortable with pets, such as moving their workspace or by restricting the days that animals are allowed to be brought in.

"The likelihood of pets being allowed in the workplace really depends on the industry. The more professional the company, the less likely they will be open to allow pets," O'Connor says, adding she is not aware of any law firms that allow dogs.

O'Connor notes that some condominiums put restrictions on the size of dogs allowed in units, although she questions what the policy really achieves.

"Many condos have a 20-pound limit for dogs, but in reality, a 70-pound St. Bernard that's quieter than a two-pound Chihuahua, is a better tenant," she says.

If an employee violates company pet rules, the fallout could depend on the position that person holds, O'Connor says, explaining that lower-level employees might fear repercussions if they complain about the manager's dog in the office.

The [Globe](#) article stated that a GTA mayor regularly brought his golden doodle to work, despite a ban on dogs. A part-time employee filed a complaint with the Ontario Human Rights Commission, claiming the mayor had been "flouting the rules" for three years. The municipality responded by changing its policies to allow pets in the office.

Service animals are exempt from any "no dog" policies, O'Connor says, while emotional support animals are beginning to have the same status as service animals that are protected under federal and local laws in terms of air travel and housing.

"I don't know how that affects the workplace, but I would request an emotional support letter for the animal from a licensed mental health professional who complies with the [Canada Health Act](#)," she says.

O'Connor says if a company allows dogs, owners of other types of pets may feel there are also entitled to bring their animals to work, raising the possibility of having hamsters, rats or potbelly pigs running around the office.

"Cats might be hard to control in an office environment," she says.