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Dogs in the workplace: What every business owner needs to know

By Whit Richardson | September 21, 2012

There is ample evidence, both anecdotal and scientific, that having dogs in the workplace can reduce stress and offer opportunities for exercise and non-work-related interaction among employees.

But bringing pets into the workplace also raises questions business owners shouldn't ignore. Such as, what if the office dog bites someone? What if an employee or customer is allergic? What are the liability and insurance concerns?

Additionally, there are myriad other factors a business owner should keep in mind when it comes to service animals in a business, whether those of an employee or, if it's a retail or hospitality environment, of a customer.

Linda Varrell, president of Broadreach Public Relations in Portland, regularly brings her three golden retrievers into the office. As they walk around the office looking to be petted or for someone to toss a ball, they're helping lighten the mood and increase morale and even serve to de-escalate tense situations at times, Varrell said.

"If we're having a real serious conversation or we might be having a disagreement and all of a sudden the dogs do something goofy, we start laughing," she said. "There's a lot of ... resetting the atmosphere so creativity can continue to flow, because a lot of times we get uptight and we don't really know why, or things get emotional, and it's proven if there's a dog around, or you even touch a dog, it lowers your blood pressure."

Allowing employees to bring in their dogs has "definitely boosted the morale of the office," according to Tricia Richardson, vice president of marketing at Unified Technologies, a Portland-based company that offers managed IT services. "It's a healthy distraction from work when you have a dog come into the office and you can take a break from staring at the computer screen."

A recent academic study from Virginia Commonwealth University supports what Varrell and Richardson already empirically know.

[The study](#), published earlier this year in the International Journal of Workplace Health Management, observed a retail business that employs approximately 450 people and has as many as 30 dogs on the premises each day and found that employees were less stressed and more satisfied with their jobs when they came in contact with dogs. It provides the first quantitative study on the effects dogs in the workplace can have on employee stress and job satisfaction, according to Randolph Barker, professor of management at the VCU School of Business and one of the study's authors.

“Dogs in the workplace can make a positive difference,” Barker said in a statement. “The differences in perceived stress between days the dog was present and absent were significant. The employees as a whole had higher job satisfaction than industry norms.”

But what about those business concerns? Both Varrell and Richardson have taken steps to make sure they’re covering their bases.

Richardson said Unified Technologies was writing a formal pet-friendly company policy as a result of the inquiry from the Bangor Daily News.

Varrell has checked with her insurance agent to make sure she is covered under her existing insurance, which she is. She also has looked into best practices when it comes to handling pet-friendly offices from a human resources perspective. As a result, Varrell now includes the fact that it’s a pet-friendly office on job postings.

“So when I’m hiring people they know right up front that there are going to be dogs here and there’s a potential they could be here everyday, all day,” she said. “So if there are fears or allergies, we need to address those right upfront.”

Most insurance companies will cover dogs in the workplace, both from a business owner’s commercial insurance and a pet owner’s homeowner’s insurance, according to Doug Allen, president of Turner Barker Insurance in Portland. “There’s nothing in the contract language that would preclude coverage,” he said, adding that that goes for office environments, as well as retail or hospitality businesses.

However, he suggests a “prudent” business owner should make sure their insurance can cover any liability associated with dogs in the office. Some underwriters exclude certain breeds of dogs from a policy that are perceived to be aggressive, such as pit bulls or Rottweilers, Allen said.

“If you have knowledge that this dog could be a problem and you still allow them, then that increases the liability to your company,” he said.

Matthew Tarasevich, an attorney at Bernstein Shur in Portland, puts it bluntly for business owners. “Let’s face it,” he said. “At the end of the day, if you let a dog in the workplace and it bites someone, they’re going to come after you.”

Service animals

Title III of the Americans with Disabilities Act and the Maine Human Rights Act require businesses to allow equal access to customers with disabilities who require service animals.

Both the ADA and the HRA define a “service animal” as a dog, while the ADA also has a provision for miniature horses. “Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition,” according to the Maine HRA.

If a customer claims a dog is a service animal, the business owner has few options. A business owner may ask if the dog is a service animal required because of a disability and what work or task the dog has been trained to perform, but that’s it, according to Kristin Aiello, a managing attorney at the Maine Disability Rights Center. Business owners may not ask what

the disability is or require any sort of documentation certifying that the dog has been trained as a service animal, Aiello said.

The experience of accommodating customers with service animals can at times be frustrating, though, according to Connie Boivin, owner of the Charles Inn in Bangor. Since purchasing the inn 12 years ago, Boivin has seen an increase in the number of guests bringing in dogs and claiming they are service animals. She had two such guests this week.

Boivin runs a pet-friendly inn, reserving a few rooms on the first floor for guests with pets. There's even a pug that belongs to the inn's bartender and often greets guests.

But dealing with guests who have service animals still presented her with a dilemma this week.

Neither of the guests had disabilities that were apparent to her. One brought the service animal up to the room, then went out for the rest of the day, leaving the dog in the room. That made Boivin question whether it was a service dog, but she knew she couldn't do anything about it.

Her dilemma is that she has designated rooms for pets, so that when someone allergic to dogs requests a pet-free room, she has plenty she can offer without worry. But Boivin isn't allowed to restrict guests with service animals to certain rooms. Now she's worried that when a guest who's allergic asks for a room and a guarantee that a dog has never been there, she can't offer her assurances without spending money to do a deep cleaning. Since the ADA doesn't allow innkeepers to tack on a cleaning fee for service dogs, the money would come out of her pocket.

The feeling of helplessness and that she's being taken advantage of really irks her. "Where does that leave me?" she asked. "I don't have any rights."

Mel Clarrage, an employment advocate at the Disability Rights Center, assists people with disabilities to remove barriers in the workplace. He's also legally blind, and uses a service dog named Newton to help him navigate his environment.

Clarrage has never had any access issues himself when it comes to bringing his service animal into public areas like a restaurant, hotel or retail outlet. His disability is immediately apparent to people with whom he interacts, but to deal with those with less apparent disabilities, he suggests, is a matter of increased education. "It's an overall awareness and cultural education piece," he said. "There are a lot of disabilities that are not obvious when looking at a person, but it doesn't mean they're any less impairing and in need of accommodation."

Service animals in the workplace

When it comes to a service animal in the workplace, the Maine Human Rights Act is silent, according to Tarasevich at Bernstein Shur, and disability discrimination laws kick in.

"It doesn't specify animals in that section," Tarasevich said. "It only talks about nondiscrimination against people with disabilities and from there we have a whole body of law regarding reasonable accommodations — and that's where it comes in for employers."

If an employee needs a service animal to perform the duties of the job, the employer needs to provide a "reasonable accommodation." However, an employer has freedom to ask more

questions about the employee's disability and the need for the service animal than a business owner like Boivin has dealing with customers.

Tarasevich said it can get complicated when one employee requests a service animal while another employee is allergic to dogs or afraid of them. "We're dealing with a complicated, difficult and complex intersection of laws governing reasonable accommodation and service animals," he said. "I can say that there is a little bit of a hole here and it's a murky gray area, so some guidance would be helpful from the state of Maine, but so far there isn't any guidance."

In a case where a service animal would have an impact on or impair another employee's ability to work, Aiello said employers should communicate with both individuals and consider solutions such as moving employees to different parts of the building, designating different paths of movement, using air purifiers or instituting flexible work hours so the employees don't work at the same time. She recommends business owners with compliance questions contact the [Job Accommodation Network](#), a program from the U.S. Department of Labor, or the [New England ADA Center](#).

Clarrage at the Disability Rights Center said it's also about the approach of the employee who requests a service animal. He is cognizant of always keeping his black Lab, Newton, on a leash in the office. "He's out of the way; he's nonintrusive," he said.

He's only had a few cases where other employees or people at offices he's visited have had issues, and they were solved fairly easily. "I would like to think in most cases reasonable heads can come up with a good solution," Clarrage said. "And in times where that doesn't work, that's why we have some laws and access issues that have to be enforced."

A person with a disability, whether an employee or customer, can only be asked to remove their service animal if it creates an "undue hardship," according to Aiello. "So it really is a balanced law that looks at the needs of the employee with disabilities and considerations of a business to make sure there aren't undue hardships that are created."

According to the Maine Attorney General's office's [policy on service animals in the workplace](#), "a service animal may be removed from the premises if it is a direct threat to the health or safety of others, if it would result in substantial physical damage to the property of others or if the animal substantially interferes with the work of the office."

In the end, Aiello said it benefits an employer to accommodate employees who need service animals in the workplace. "They're going to be retaining an employee more productive and more capable if they have the accommodations they need in the workplace," she said.

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