POLICY:

Every registered veterinarian, registered veterinary technologist, permit holder, student and other member of the association:

- must report to a peace officer as defined in the Animal Protection Act when they have reasonable grounds to believe that an animal is being or has been subjected to abuse or neglect.

*Students are not mandated to report abuse or neglect.*

- must take action which may include reporting to a peace officer as defined in the Animal Protection Act when they have reasonable grounds to believe that an animal is in distress due to:
  
  (i) deprivation of adequate shelter, ventilation, space, food, or water;
  
  (ii) deprivation of appropriate veterinary care;
  
  (iii) reasonable protection from injurious heat or cold; or
  
  (iv) injury, illness, pain or suffering.

Members will not be held professionally accountable for breaching client confidentiality required in the General Regulation section 16.1 (f) when acting on this directive.

DEFINITIONS:

Animal Abuse

For the purposes of this policy, and mandatory reporting by veterinary professionals, ‘animal abuse’ includes but is not limited to:

- Malicious or inappropriate infliction of physical injury such as blunt force trauma, stabbing, inhumane shooting,
- Sexual abuse,
- Mental abuse which is a deliberate action that induces a negative emotional or psychological state such as fear distress or depression),
- Poisoning (using a non-approved product),
- Asphyxia such as strangulation,
- Drowning, or
- Enabling animal fighting.
Neglect

For the purposes of this policy and mandatory reporting by veterinary professionals, “neglect” includes failing to provide animals with adequate basic necessities supporting health and well-being for extended periods leading to suffering, permanent injury or death.

This includes food and water, medical attention when wounded or ill, protection from injurious weather, adequate space, sanitary housing, ventilation and lighting, opportunity for exercise, and a stimulating social environment that prevents the induction of a negative emotional or psychological state.

Animal neglect, (whether intentional or unintentional) is most commonly associated with acts of omission to provide appropriate animal care, such as can be seen with hoarding, and in cases of animal abandonment. Personal challenges affecting owners such as financial hardship, mental health disorders, and physical impairment can be significant factors resulting in animal neglect.

The definitions of animal abuse and neglect are included in the policy to provide direction to members such that it is clear when reporting is required. This definition does not substantially conflict with accepted definition of “animal in distress” in the Animal Protection Act, as this definition is broad and includes “abuse, hardship, privation and neglect.”


Neglect as used in the CVMA position statement covers the Animal Care Duties (s.2.1) as set out in the Animal Protection Act. The definition also covers elements such as psychological distress that are not contemplated in the Animal Protection Act definition but contribute to the welfare of the animal.

BACKGROUND:

ABVMA Members are uniquely positioned and qualified to champion the interests of animals and animal welfare. In Alberta, the Animal Protection Act specifically mentions that withholding
veterinary care is considered a distress to an animal. However, veterinarians are expected to be reasonable when reporting clients that are non-compliant with their recommended treatments. This policy has been amended considering Resolution 19-I that was passed by the voting members at the Annual General Meeting in February 2019.

Resolution 19-I proposed amendments to the Veterinary Profession General Regulation that obliges veterinarians and veterinary technologists to report cases of animal abuse and neglect and take action to address animals in distress. Pending the Government of Alberta enacting these amendments, Council of the ABVMA has developed policy to direct members regarding mandatory reporting of abuse and neglect.

RELEVANT LEGISLATION:

Part 3 Ethics and Advertising of the Veterinary Profession General Regulation states:

**Duties:**

16.1 Every registered veterinarian, technologist, permit holder, student and other member of the Association and
   (a) should be dedicated to the benefit of society, the conservation of animal resources, and the relief of the suffering of animals.
   (b) shall serve clients, members of the public and fellow members of the profession with integrity,

... 

(f) is duty bound to hold in strict confidence all information acquired in the course of professional relationships with clients, and should not divulge that information unless:
   i. expressly or implicitly authorized by the client or required by law to do so, or
   ii. it is information respecting inhumane or negligent treatment of an animal, in which case the registered veterinarian, technologist, permit holder or student may report the information to a peace officer as defined in the Animal Protection Act.

(g) should be merciful and humane, preventing needless suffering among animals,
...
Animal Protection Act:

Interpretation

(2) For the purposes of this Act, an animal is in distress if it is

(a) deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold,

(b) injured, sick, in pain or suffering, or

(c) abused or subjected to undue hardship, privation or neglect.

The Animal Protection Act further provides that no person shall cause an animal to be in distress:

Prohibition against causing distress

2(1) No person shall cause or permit an animal of which the person is the owner or the person in charge to be or to continue to be in distress.

(1.1) No person shall cause an animal to be in distress.

(2) This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

The Animal Protection Act also provides that an individual who cares for an animal has a duty to provide care.

Animal care duties

2.1 A person who owns or is in charge of an animal

(a) must ensure that the animal has adequate food and water,
(b) must provide the animal with adequate care when the animal is wounded or ill,
(c) must provide the animal with reasonable protection from injurious heat or cold, and
(d) must provide the animal with adequate shelter, ventilation and space.
The Animal Protection Act provides that a registered veterinarian that is acting reasonably and in good faith to report a case of permitting an animal to be in distress or abuse or neglect to a peace officer is protected from any action.

Protection from Action:

(a) If a person, on reasonable and probable grounds, believes an animal is in distress and reports the distress to a peace officer, no action lies against that person for reporting unless that person reports maliciously or without reasonable or probable grounds for the belief.

(b) No action lies against a peace officer, registered veterinarian, caretaker, humane society or an officer or employee of a humane society for anything done in good faith under this Act or the regulations.

CLARIFICATIONS:

Rationale for distinguishing between taking action to address animals in distress vs. mandatory reporting of abuse and neglect

The requirement to take action incumbent on ABVMA members when faced with animals in distress is different from the mandatory reporting for abuse or neglect. There is not mandatory reporting of animals in distress, but there is an expectation on members to take action to address animals in distress and the policy is permissive in that members may also report these cases where necessary.

The differentiation between the requirement to take action to address animals in distress compared to mandatory reporting of abuse and neglect is intended to avoid putting veterinary professionals in the conflicted position of having to report animals in distress where the owner or person in charge is seeking appropriate veterinary care and is taking reasonable steps to be compliant with directions to resolve the distress.

The veterinary professional does retain the authority to report animals in distress if in their discretion, such reporting is warranted by the circumstances of the case. It is acknowledged that there will be cases where the distress reaches the threshold of neglect and the veterinary professional is expected to report. These will require an assessment and individual case consideration by the veterinary professional.

Reconciling individual ABVMA member professional obligation with practice, employer or supervisor direction

All ABVMA members including veterinarians, veterinary technologists, permit holders and students have certain professional obligations under this policy and the Veterinary Profession
General Regulation. The obligation to report animal abuse and neglect and take action in cases of animal abuse may place an associate veterinarian, technologist or student in a position where they are conflicted with fulfilling their professional obligation and aligning with practice ownership, of the responsible veterinarian’s direction or opinion. All members are encouraged to communicate and consult with the appropriate members of the practice team prior to taking action including reporting. This does not mean that there must be a consensus of all, but it is strongly suggested that members communicate their opinion and intention to take action with their supervisors or employers.

**Students exempted from mandatory reporting provision**

Students as defined in the *Veterinary Profession Act* and General Regulation are students in their final year of study in a program leading to a degree in veterinary medicine. It is recognized that students commonly engage in veterinary practice. During the course of this engagement, students may observe cases where they are of the opinion that there is animal abuse or neglect. This may or may not conflict with the opinion of supervising veterinarians or employers.

Some of these situations are very complicated and can have financial implications for the practice involved. It is recognized that students lack sufficient experience or industry knowledge to make these judgements, there are subtleties that may be lost on students.

It is also recognized that a mandatory reporting provision that applies to students could impact or limit the learning experience for students and that students should not bear the burden of this responsibility.

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