

Public Policy and Legislation

Over the years, animals have become increasingly integrated into human lives through companion animals, livestock operations, and research. With that, it creates more issues regarding animal health and welfare, so there needs to be a way to protect animals and prevent cruelty. That's where one social determinant of animal health and welfare comes in: Public Policy and Legislation. These laws affect everyone, from pet owners, veterinarians, and government workers. Although this is a large topic, there are a few main points that can be addressed, including the policies and legislation in place across Canada, who holds responsibility for maintaining, enforcing, and abiding by these policies, and gaps/inconsistencies in their enforcement.

To start, what is public policy and legislation, and how does it relate to animal welfare? Public policy is government decisions and guidelines that are intended to address the needs and issues of society, and legislation is how the government puts the public policy into action by establishing relevant laws, regulations, and policies. The relevance to animal health includes public and professional expectations that can be used to establish policies, regulations, and legalities to uphold compliance with high standards of animal health and welfare. Now, many policies and legislations in Canada pertain to animal health and welfare, some being federal and some being provincial. Regarding Manitoba, there are three: the Animal Care Act 1996, the Animal Care Regulations 2010, and Bill 62: Protecting Property Owners from the Animal Diseases Amendment Act 2021. The first two address animal welfare by setting standards of care, including adequate food, water, shelter, medical attention, exercise, space requirements, and licensing fees for kennels, breeders, and animal-based retail stores. The third act was passed recently to try and protect agricultural operations by addressing trespassing on farmland and interfering with animals on farm and during transportation.

Within Saskatchewan, several pieces of legislation have been established to try to enforce, promote, and prioritize animal health and welfare. Some key acts and regulations include: The Animal Protection Act, The Animal Health Act, The Stray Animals Act, and The Animal Products Act. These written laws collectively provide a comprehensive framework for protecting the health and welfare of animals across the province, including companion animals, stray animals, and livestock. Each act addresses different aspects of animal care and protection, and through a combination of all the acts within Saskatchewan, they attempt to cover the circumstances that an animal may face. For example, the Animal Protection Act focuses on animal welfare by prohibiting animals from being deprived of food, water, shelter, or veterinary attention, thus aiming to prevent animal suffering and minimize distress. Enforcement of these laws is carried out by animal protection officers, municipal and RCMP police, and authorized animal protection agencies such as Animal Protection Services of Saskatchewan and Regina Humane Society. Veterinarians also play a critical role in the system as they are required to report identified or suspected neglect/abuse.

In British Columbia, there are many pieces of legislation to protect animal welfare, with the foremost being the Prevention of Cruelty to Animals Act (PCA Act). The PCA Act is designed to protect domestic and production animals from harm and ensure they have the necessities of life. It gives authoritative power to police officers, peace officers, and the B.C. Society for the Prevention of Cruelty to Animals (BCSPCA) to enforce this act and defines the maximum penalties for offences (up to 2 years in prison and up to \$75,000 in fines). There are many other acts protecting animal welfare, such as the Animal Care Codes of Practice Regulation (of the PCA), the Animal Health Act, the Wildlife Act, and the Fish Protection Act. There is also the Sled Dog Standard of Care Regulation, which protects the welfare of sled dogs. First Nation and Indigenous rights are respected in maintaining animal welfare. For example, in the Wildlife Act, they are permitted to carry out traditions such as hunting without being potentially penalized. There is a continued collaborative effort towards reconciliation and in amending acts such as the Wildlife Act to respect Indigenous rights. Other areas of animal use in B.C. still require legislation. For example, there is a bill currently under review to protect the welfare of breeding dogs and cats, the Standards of Care for Breeder of Companion Animals Act. Laboratory animals are not protected in any specific provincial act either. These acts are only as powerful as they're enforced, and there are limitations for enforcement. For example, in the PCA Act, authorized agents cannot enter a private dwelling without a warrant in a suspected case of animal abuse, and by the time they obtain a warrant, it might be too late for an animal in distress.

The northern territories of Canada have had continuously evolving animal welfare legislation. Initial policies were focused on controlling loose or stray dogs in response to concerns from non-Inuit populations, but these policies had a significant impact on local Inuit communities and contributed to the decline in traditional dog teams. Therefore, when the Dog Act was introduced in 1988, the focus was shifted to improving and protecting welfare as well as establishing expectations for dog ownership. The Herd and Fencing Act was also introduced to extend similar legislation to protect the welfare of farm animals. These remain as the primary territorial-level animal health and welfare legislation in the Northwest Territories, leading to a pretty significant gap in the legislation with none explicitly extending to other pets, e.g., cats or exotic species. Both the Yukon and Nunavut have consolidated these Acts into their own legislation that aims to be inclusive to all species. These policies are still evolving in response to current animal welfare challenges. For example, Nunavut decided to leave animal control up to municipal bylaws rather than territorial legislation, which just this past summer led to animal welfare concerns as their capital city of Iqaluit drastically reduced the hold period for impounded animals from 7 days to 24 hours before they can be euthanized.

Additionally, each province is overseen by the federal government, which also has legislation in place to prevent animal cruelty and thus promote animal health and well-being. This is done through sections 444-447 in the Criminal Code of Canada law. There is also federal oversight in many aspects of animal welfare, for example, in disease prevention and control in the Health of Animals Act.

Public policy and legislation are complex matters. Directly or indirectly, everybody in society is responsible for implementing, maintaining, and changing policies and legislation. Governments, local and national, might have responsibility pinned on them; however, they are normally elected to these positions by the public. Their policies are influenced by whichever political side they align with, and by people from industry or non-profits. Each party hopes to sway policies in a particular direction that may or may not be beneficial to animal health and welfare. There are many examples within this paper that highlight good and bad aspects of policies and legislation. It is important to note that these are not fixed entities. Science-based regulators, like the Canadian Food Inspection Agency, and professional bodies, like the Canadian Veterinary Medical Association, can identify areas of animal policy and legislation that are lacking or non-existent. This helps to guide ideas that might change animal health and welfare for the better, but we should never stop learning and improving. Journalists can draw public attention to disparities and contradictions within policy, helping the public to hold the officials they have elected accountable. Ultimately, society cannot shy away from the health of animals. It is critical to stay vigilant and keep adapting to the needs of animals and the greater population for the benefit of everybody.

After reviewing all these policies and legislations, several gaps have emerged that could impact animal welfare. Enforcement gaps are inconsistent, particularly in rural and remote areas where animal protection officers are limited, making it more difficult to report or address cruelty. The enforcement of these policies is also largely reactive rather than proactive, relying on complaints, which makes animal abuse more easily unnoticed. Another gap is ag-gag laws, introduced in Alberta (2019), Ontario (2020), and Manitoba (2021), which criminalize trespassing on farms and prevent people from interfering with animals on farms and in transport. These laws were made to protect animals, but can shield abusive practices. Lastly, there is some underfunding towards animal control agencies and human societies, which limits their ability to investigate abuse and take care of animals taken from these abusive situations.

Overall, public policy and legislation are crucial aspects of animal health and welfare. There are not just policies and legislation within individual provinces, but also federally. Even though each province has different policies, all of them address the same concern, which is maintaining the health and safety of animals and making sure they have the proper care, no matter the living situation. Some challenges arise due to inconsistencies and gaps in the enforcement of the policies, but animal welfare still remains a top priority.

Resources

- <https://animaljustice.ca/issues/ag-gag-laws>
- <https://inspection.canada.ca/en/animal-health/terrestrial-animals/humane-transport/provincial-and-territorial-legislation-concerning>
- <https://canlii.ca/t/8qc0>
- <https://canlii.ca/t/55hlz>
- <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/legislation-regulation/wildlife-act#>

- <https://www.bclaws.gov.bc.ca/civix/document/id/lc/billsprevious/4th39th:m214-1>
- <https://www.canlii.org/en/ca/laws/stat/sc-1990-c-21/latest/sc-1990-c-21.html>