



# POSITION STATEMENT

## *Duty to Report Animal Abuse or Neglect*

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In June 2017, the CVBC issued a brief guideline on veterinarians' duty to report under the *Prevention of Cruelty to Animals Act* (PCAA). In July 2017, the province's chief veterinary officer published an article challenging the CVBC's position. In response to inquiries, the CVBC takes this opportunity to clarify any perceived confusion over the two publications.

The welfare of animals is a veterinarian's primary concern. If animals are not brought to veterinarians for assessment and treatment, then veterinarians cannot fulfill their part in promoting animal welfare.

Veterinarians are required to report animal abuse, cruelty and distress. Certain circumstances give rise to the duty to report. These circumstances are dictated not only by the PCAA, the *Veterinarians Act* and the CVBC Bylaws, but also by measured analysis and professional judgment. It is the role of the CVBC to provide guidance, to promote public confidence that veterinarians are qualified to provide medical assistance and to assess the necessity of reporting.

Some clients may refuse reasonable recommendations for treatment. If the veterinarian believes the refusal may lead to animal distress, the veterinarian should encourage the client to seek a second opinion, take time to absorb the advice, or to explore humane alternatives. PCAA reports are not required where clients seek unnecessary cosmetic alterations. They may be informed that they are in the wrong jurisdiction for those services.

The relationship of trust between a veterinarian and a client is important to the welfare of the animal and the client's other or future animals. When exercising judgment about reasonable grounds to make a report, the veterinarian must assess the information for clarity or ambiguity. Factors to consider include:

- a new or ongoing veterinary client patient relationship
- severity of injury,
- origin of the animal's condition,
- remorse and willingness to agree to treatment.

Each scenario requires objectively assessing the available information. Making or threatening a report based on unreliable information can lead to negative outcomes for the injured animal. A PCAA report may be devastating to all involved, the client, the veterinarian, and their respective families and animals.

The authority to authorize and initiate prosecutions for animal abuse or cruelty rests solely with the Ministry of the Attorney General. Not all PCAA reports result in prosecutions. In BC, there is a defense for a PCAA report made in good faith but there is no immunity from civil litigation. Veterinarians who report risk the possibility of litigation, regulatory complaint investigations, negative publicity and other adverse results.

Different considerations may apply for veterinarians in public practice, where a vast number of animals and consumers are potentially affected.

Animal welfare is a top priority to the veterinary community. Usually the most effective method available to veterinarians for preventing or arresting distress is to treat their patients and educate their clients. Without clear evidence of current or imminent animal distress requiring a PCAA report, it is best to proceed with reason and caution. This approach does not preclude a report after the veterinarian has sought advice, or where changes in the situation or information warrant it.

Veterinarians may contact the CVBC or seek independent legal advice.

#### **Legislative Authority**

*Veterinarians Act*

*Protection of Cruelty to Animal Act*

*Criminal Code of Canada*

*Protection of Personal Information Act*

*CVBC Bylaws*