

Animal Welfare Law in Canada

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COUNCIL

This document was prepared by the National Farmed Animal Health and Welfare Council. The Council was formed in 2010 to advise governments and all other stakeholders in animal agriculture on matters of the health and welfare of farmed animals in Canada. The Council is funded jointly by non-government organizations with an interest in animal agriculture and federal, provincial and territorial governments. Council members are designated by their constituency because of broad expertise in animal health and welfare, public health and an interest in approaching topics and developing advice in the context of One Health.

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Animal protection law in Canada varies considerably across the country. Federal law includes provisions in the *Criminal Code*, regulations for the transportation of animals made under the *Health of Animals Act*, and regulations for humane handling and slaughter of animals at federally inspected facilities, made under the *Meat Inspection Act*. However, most animal protection law is made at the sub-national level, especially by provincial and territorial governments.

Provincial and territorial governments have taken different approaches to the issue. As examples, some have created their own regulations for transport and slaughter; some reference federal regulations in provincial regulations; some have entered into federal-provincial agreements regarding enforcement; some have created particular enforcement tools such as “compliance orders” whereby enforcement staff can require animal owners to take specified actions; and many have created an obligation to provide “care” and avoid causing “distress” but with different definitions of these terms. Perhaps most significantly, most provinces now reference national codes of practice in their regulations, but they generally reference somewhat different codes and/or give them somewhat different status within provincial law.

Differences among provinces and territories may be meaningful when they reflect the diversity of the country including different concerns, customs or practices. However, many of the differences in animal protection law appear to have arisen more incidentally, for example if legislators or regulators were concerned about specific issues at specific times, or if options that were developed in one province were not widely known in others.

Greater alignment of animal protection law could have several advantages. The adoption of common approaches could lead to efficiencies in creating and enforcing law and standards, especially in cases where animals move across borders. A common approach could simplify the work of veterinarians, transporters and others who work in different jurisdictions. Most importantly, the adoption of national codes of practice can help promote good standards and maintain the confidence of the public and of trading partners, but these advantages are undermined if codes have different legal status in different jurisdictions.

Drawing on the above considerations plus a recent detailed review of Canadian animal protection law,¹ the National Farmed Animal Health and Welfare Council recommends:

1. That provincial and (where applicable) territorial regulations cite the same suite of codes and guides, and cite them in a consistent way, so that the same basic standards of animal care apply throughout the country.
2. That provincial marketing regulations and other programs that license or certify producers incorporate codes in uniform ways, possibly following the examples of Alberta and Nova Scotia which require holders of quota to comply with the requirements of certain national codes.
3. That provinces and territories cite the federal regulations for humane treatment and slaughter of animals, made under the *Meat Inspection Act*, so that these become the standard for both provincially and federally inspected abattoirs.
4. That provinces and territories cite the federal transportation of animals regulations, made under the *Health of Animals Act*, so that both provincial and federal officials are empowered to enforce a common set of transportation standards.
5. That federal, provincial and territorial governments consider creating agreements, such as the federal-provincial agreements that currently exist in Ontario and Quebec regarding the transportation of animals regulations, in order to achieve efficiency and sharing of information on compliance. This may also require an agreement on cost-sharing.
6. That provinces and territories consider adopting enforcement tools that authorize immediate action to protect animal welfare, such as the compliance orders and options for handling compromised animals at auction markets that currently exist in some provinces.
7. That when a jurisdiction needs a new standard, the process be done at a national level according to the well-established procedures for code development of the National Farm Animal Care Council, and that the need for new codes be identified pro-actively to minimize the ad-hoc development of jurisdiction-specific codes.
8. That provinces and territories enter into communication to pursue shared definitions of common terms in animal protection law including “distress”, “duties of owners”, and “reasonable and generally accepted practices”.

¹ Fraser, D., Koralesky, K.E. and Urton, G. (2018) Toward a harmonized approach to animal welfare law in Canada. *Canadian Veterinary Journal*, 59: 293-302.