

More Than a Pet: Emotional Support Animals and the Expanding Boundaries of Reasonable Adjustment

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The quiet presence of an emotional support animal may seem far removed from the formal setting of an employment tribunal. Yet, increasingly, such animals are finding their way into legal arguments as part of the evolving duty to make reasonable adjustments. What was once viewed as a personal coping mechanism is now being reframed as something capable of carrying legal significance.

At the centre of this development lies the Equality Act 2010. Section 20 imposes a duty on employers to take reasonable steps to avoid substantial disadvantage to disabled individuals. That duty is not confined to physical alterations or procedural tweaks. It extends to the provision of auxiliary aids, a concept broad enough to potentially include an emotional support animal where its presence alleviates the effects of a disability.

Recognition Without Definition

The law does not expressly define or regulate emotional support animals. This absence of formal recognition creates both opportunity and uncertainty. On one hand, it allows tribunals flexibility to respond to individual circumstances. On the other, it leaves claimants navigating an evidential and conceptual grey area.

Judicial treatment of support animals suggests a growing willingness to engage with their role. In *R (AB and CD) v Westminster City Council*, the High Court entertained an Equality Act challenge based on the need to be accommodated with a support animal. Although the claim failed on the evidence, the case confirms that reliance on a support animal can form part of a legally cognisable discrimination argument.

This signals a shift away from viewing such animals as mere lifestyle choices and towards recognising their functional role in managing disability.

The Logic of Analogy in Tribunal Practice

Employment tribunals have long demonstrated a readiness to adopt flexible and sometimes unconventional adjustments where they reduce disadvantage. Adjustments have included allowing individuals to be accompanied by a friend or relative during disciplinary proceedings, rather than limiting them to formal representatives.

In *Crew v Three Milestone Education Ltd*, the refusal to permit such accompaniment for an employee with anxiety and depression was held to be both a failure to make reasonable adjustments and an act of disability related harassment. The tribunal described the requested measure as straightforward and effective.

This reasoning opens the door to a broader question. If the presence of a trusted person can mitigate disadvantage, why not the presence of an animal where the evidence supports its therapeutic role?

Access to Justice and the Tribunal Environment

The issue is not confined to the workplace. Employment tribunals themselves must grapple with how to ensure effective participation for disabled parties. When exercising judicial functions, they are guided by principles of fairness and access to justice.

Case law recognises that tribunals, as public bodies, should make adjustments to accommodate disability where necessary to ensure a fair hearing. This includes modifying procedures and the hearing environment. In that context, the potential presence of an emotional support animal becomes less radical and more a question of practical fairness.

The Central Question of Reasonableness

Ultimately, the success of any argument involving an emotional support animal will turn on reasonableness. Tribunals will assess whether the individual is disabled within the meaning of the legislation, whether the animal alleviates a substantial disadvantage, and whether accommodating it is proportionate in the circumstances.

This involves a careful balancing exercise. Employers and tribunals may raise legitimate concerns about safety, competing needs of others, or operational disruption. At the same time, the duty to make reasonable adjustments is a proactive one, sometimes requiring more favourable treatment to achieve equality in practice.

A further consideration, particularly in the tribunal context, is the institutional need to preserve the formality and perceived seriousness of proceedings. Tribunals may legitimately weigh whether the presence of an emotional support animal risks distracting from, or undermining, the dignity of the hearing, especially where the animal is not a formally trained assistance dog. That concern may carry less weight where the animal is unobtrusive and its function is clearly evidenced, but it nonetheless reflects a distinct judicial sensitivity to the courtroom environment. By contrast, employers conducting internal disciplinary processes operate in a more flexible and less formal setting. While issues of professionalism and workplace impact remain relevant, the absence of a quasi-judicial atmosphere may make it harder to justify refusal on grounds of dignity alone. Instead, employers are more likely to rely on practical considerations such as disruption, health and safety, or the effect on other employees, rather than the symbolic integrity of the process itself.

The evidential burden remains firmly on the claimant. Assertions must be supported by medical or expert evidence demonstrating the link between the animal and the individual's ability to function or participate effectively in proceedings.

A Developing Area of Law

There is as yet no definitive authority confirming that emotional support animals must be accommodated as reasonable adjustments in employment tribunals. However, the legal framework is sufficiently flexible to allow such arguments to succeed in appropriate cases.

What is emerging is not a blanket rule, but a fact sensitive approach grounded in evidence, proportionality, and the realities of living with disability. Emotional support animals challenge traditional assumptions about what an adjustment looks like, inviting tribunals to think beyond conventional categories.

Conclusion

The presence of an emotional support animal in a tribunal setting may once have seemed improbable. Today, it represents a natural extension of a legal system grappling with the complexities of mental health and disability.

As the law continues to develop, the question is no longer whether such animals have a place in legal proceedings, but how legal frameworks should respond where a person's ability to participate effectively depends on quiet, non-verbal support. In some cases, that support may take the form of an assistance animal, providing a degree of stability and reassurance necessary to enable meaningful engagement with the process.

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