



# Safely does it

**Wayne Ricketts**, VCNZ, examines whether the new Health and Safety at Work Act applies when euthanising aggressive dogs.

## VETSCRIPT HAS RECENTLY

published articles on the new Health and Safety at Work Act (HSWA), and in this issue I have a real-life example to share that explores its implications for veterinary clinics. While it's specifically about euthanising aggressive dogs, there are some general principles that apply.

We were recently contacted by a veterinarian whose veterinary employee (a UK graduate) had been requested to euthanise an aggressive dog that had just bitten a child. Based on their UK experience, the veterinarian engaged the veterinary nurse's assistance to restrain the dog while the dog was sedated and the euthanising solution administered. This was contrary to the general procedure practised at this clinic where the owners are usually asked to be also involved in helping to restrain aggressive dogs.

The veterinarian asked us what their responsibilities are under the new Act because, as they read it, the veterinarian is potentially liable for both the owner and the nurse if either are bitten or injured. We sought legal advice and the following is based on that advice.

In a veterinary clinic, like other workplaces, the risk of injury or a health hazard cannot be completely eliminated.

The workplace is not expected to be risk free; rather the expectation is that it will be well managed.

The test for trying to eliminate a risk is whether it's 'reasonably practicable' to do so. This involves assessing the likely risk and potential outcome and weighing up all relevant matters, including the ability to minimise the risk, knowledge of it by those whom it may affect and cost effectiveness.

Employees also have to take reasonable care to ensure their own health and safety, as well as that of others. They must comply with the business's reasonable instructions and policy. Clients also have some health and safety duties, and are expected to exercise an appropriate level of control on the veterinarian's premises.

The key to compliance with the new HSWA is the identification of safe working procedures and the training of staff in those procedures. This is particularly relevant to veterinary practices as animals' behaviour will not always be predictable.

In this scenario the Dog Control Act 1996 and ACC may also apply. Some other safety steps may need to be taken, but the advice received is that the HSWA does not prevent veterinarians utilising the assistance of owners.

## WHAT IS THE OWNER'S OBLIGATION?

Dog owners are legally responsible for their dogs, which must be kept under control at all times. The owner must ensure that the dog does not scare or injure any person, or any other animal. They must also exercise this responsibility on veterinary premises.

## WHAT IS THE OWNER'S LIABILITY?

The owner is liable for any damage done by the dog. ACC will cover physical injuries resulting from dog bites, but this would be the extent of the victim's compensation unless there was also property damage. Of course there are potential offences and penalties the owner may face.

## HOW CAN VETERINARIANS MANAGE AGGRESSIVE, DANGEROUS DOGS?

The veterinary business owner must take into account the requirements of the HSWA and ensure that the risks associated with the procedure are managed as safely as possible. It may possibly be safer for the dog owner to hold the dog for an injection.

However, this needs to be considered on a case-by-case basis. The owner may not have the appropriate training, competence or knowledge to be able to control the dog. Veterinarians need to take into account the circumstances of each case when deciding whether the owner or a trained veterinary nurse would be the best person to assist.

When euthanising a potentially dangerous dog, veterinarians can consider taking the following steps:

- » Assessing the animal before attempting to handle it, including talking to its owner to assess the likelihood of it becoming aggressive.
- » Having the owner confirm in writing that the dog constitutes a potential threat to the safety of persons or animals and that this is the reason for the request for euthanasia.
- » Confirming the owner understands that if they are to restrain the animal there is a risk of injury.
- » Requesting that the dog be muzzled by the owner.
- » Considering whether sedation of the dog prior to euthanasia can be administered safely in order to reduce the risks, and whether it is appropriate for the owner to hold the dog for administration of the sedative.
- » Considering whether the use of restraint aids such as snare poles, pole syringes or other devices will help reduce the risks to handlers.

It is also important to remember that liability issues will only arise if the risks of traumatic injury in the practice have not been adequately assessed or managed and are not the subject of training and monitoring. <sup>vs</sup>