

MODULE 2: PRIVATE SECURITY AND INVESTIGATIVE SERVICES ACT- 2005 (PSISA 2005)

- The PSISA 2005 is the governing Act that regulates the private security industry in Ontario. It lays down the guidelines for licensing, code of conduct for business and security guards / investigators, complaint procedures and remedial correctional measures.
- **Preview** The subject will be covered in following parts.
 - Part I Organization Structure and Definitions
 - Part II Security Guard Licensing Process
 - Part III Code of Conduct for Security Guards
 - Part IV Dress Regulations
 - Part V Discipline and Complaint Process

Part I Organization Structure and Definitions

- **General Background of the Act**
 - **Aim** To regulate security and investigative services in Ontario
 - **Organization** Lt Governor appoints following to manage the organization :
 - Registrar
 - Deputy registrar
 - **The Act applies to :**
 - Agencies / Business
 - Individuals- Security Guards and Private Investigators
 - **Types of Licenses**
 - Private investigator
 - Security guard
 - Business of selling services :private investigators or security guards
 - Both, as security guard and private investigator
 - **Definitions**
 - **Security Guard s. 2(4)** A person who performs work for remuneration that consists primarily of guarding or patrolling for the purpose of protecting persons or property e.g. bouncer, body guard and performing services to prevent loss of property through theft or sabotage in industrial, commercial residential or retail environment
 - **Private Investigator s. 2(2)** A person who performs work for remuneration that consists primarily of conducting investigations in order to provide information for e.g. information on character/business, business/occupation of person, whereabouts of person /property.

Part II Security Guard Licensing Process

- **Licensing Requirements**

- The person should be 18 years or older, legally entitled to work in Canada and completed all prescribed training and testing requirements. Right to continue holding the license subject to maintaining above requirements
- **Clean Criminal Record** The person should not been convicted of a prescribed offence under Criminal Code, The Controlled Drugs and Substance Act or any other Act of Canada. If a person has been convicted under any Act, then a pardon under Criminal Records Act should have been granted.
- **Registrar's Powers for Additional Information.** The Registrar may, if need be, ask for additional information like finger prints, clearly recognizable photograph, consent for police checks for background verification, consent for investigation of immigration status, any other information deemed necessary for issue of license

Part III Code of Conduct for Security Guards

- **Ministry's Code of Conduct for Security Guards** A Security guard must :
 - Act with honesty and integrity
 - Respect and use all property and equipment in accordance with the conditions of your license
 - Comply with all federal, provincial and municipal laws
 - Treat all persons equally, without discrimination based on a person's race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability
 - Refrain from using profane, abusive or insulting language or actions that are otherwise uncivil to any member of the public
 - Refrain from exercising unnecessary force
 - Refrain from behavior that is either prohibited or not authorized by law
 - Respect the privacy of others by treating all information received while working as a private investigator or security guard as confidential, except where disclosure is required as part of such work or by law
 - Co-operate with police where it is required by law
- **Additional Responsibilities to be professional Security Guard.** No Security Guard should be :-
 - Unfit for duty, while working, through consumption of alcohol or drugs
 - Conspire with another person or aid or abet another licensee in a breach of this code of conduct
 - Willfully or negligently make a false statement or complaint against another licensee
 - Misrepresent to another person the type, class or conditions of his or her license.
- **Responsibility of Licensee** No person shall:-
 - Possess , display or permit to be displayed a fake, altered or fraudulently obtained license
 - Lend a license to another person
 - Display a license not issued to him
 - Display a suspended or revoked license
 - Hold himself out as providing services of performing duties connected with police
- **Prohibitions on Employment** Licensee may not:-
 - Act as collector for collection of accounts
 - Acting as a bailiff
 - Be employed for an eviction under the residential tenancy act,2006

- **Display of License and Identification** A security guard must always :
 - Carry his license when on duty
 - Identify himself or herself on request
 - Produce his/her license on request

Part IV Dress Regulations

- **Security Guard Uniform** A security guard while on duty shall always wear uniform as per the regulations except when performing duties as Body Guard or Loss Prevention Officer. The uniform must conform to following directions :
 - **Security Company Logo** The name, logo or crest of the licensee that employs the security guard must be affixed to the chest of the outermost piece of uniform. The term ' Security' or 'Security Guard' in upper case letters not less than 1.5 cms high and in color that contrasts with the dominant color of the Uniform must be permanently fixed to the chest of the outermost piece of the uniform. The word 'Security' in upper case letters not less than 10 cms high and in color that contrasts with the dominant color of the uniform must be affixed to the back of the outermost piece of the uniform unless the outermost piece of the uniform is a shirt with a collar, sweater, a blazer or sports/suit jacket.
 - **Uniform Restrictions**
 - ✓ **Identification Tag** A security Guard must always wear an identification tag with his name or license number affixed on it on front chest of the outermost piece of the uniform
 - ✓ **Rank Chevrons** The uniform should have no rank chevrons except when employed by a non-profit organization that was in existence before Aug 23, 2007
 - ✓ If the uniform includes a shirt with collar, it should not be black or navy blue
 - ✓ The trouser must not have stripes other than reflective safety stripes down the side.
 - ✓ The uniform should not include a Police type forage cap

Part V Discipline and Complaint Process

- **Complaint to Registrar** Any person can allege in writing and signed by the complainant within 90 days of the occurrence of the event that :-
 - Licensee has breached established Code of Conduct under Regulations
 - Failed to comply with the provisions of the Act
 - Breached conditions of the license
- **Actions by Registrar**
 - Decline to deal if complaint is presumed frivolous, vexatious or not made in good faith. Inform the complainant in writing.
 - Inform licensee in writing about nature/contents of complaint
 - Refer the complaint to facilitator and ensure subsequent actions as per the provisions of the law.
- **Penalties of offence** Any licensed person/agency convicted under this Act is liable to :-
 - **Individual** A fine up to \$ 25,000/- and/or imprisonment up to one year
 - **Business** a fine up to \$ 2,50,000/-

