

Module 2: The Private Security and Investigative Services Act and Ministry Code of Conduct

PSISA and Code of Conduct

This lesson introduces the student to their responsibilities as a Security Guard under the PSISA. The Private Security and Investigative Services Act, 2005 (PSISA) regulates the security industry. As such, Security Guards must be familiar with the PSISA to ensure they follow the regulations and prohibitions, including the Code of Conduct.

Ontario Provincial Legislation: The Private Security and Investigative Services Act, 2005 (PSISA, 2005)

In Ontario, Security Guards and Private Investigators are regulated by provincial legislation known as The Private Security and Investigative Services Act, 2005 (PSISA, 2005). This legislation clarifies the licensing requirements and introduces mandatory training and equipment standards before employers can license an individual as a Security Guard. These changes were necessary due to significant shifts in the security industry since the original legislation was implemented. The updates ensure that both the public and employees are adequately protected while performing security functions.

Parts of the PSISA, 2005, c.34

- 1. Interpretation and Application**
- 2. Administration**
- 3. Prohibitions**
- 4. Licensing**
- 5. Complaints and Investigations**
- 6. General Duties and Standards of Practice**
- 7. General**
- 8. Regulations**

Licensing and the Role of the Registrar

The Registrar is authorized to issue or renew licenses. A license may be refused for several reasons, including:

- The fee has not been paid.
- The applicant cannot reasonably be expected to be responsible as a licensee.
- Past conduct suggests the applicant will not conduct themselves with integrity.
- The applicant has contravened the Act, the regulations, or a term or condition of the license.

- The applicant has been convicted of an offence.
- Issuing or renewing the license would be prejudicial to the public interest.

The Registrar can also amend, suspend, or cancel a license based on the above grounds or if the licensee:

- Made a material misstatement in the application for a license or renewal.
- Committed an act of misrepresentation, fraud, or dishonesty.
- Is no longer a fit or proper person to carry on as a licensee.

If a license is canceled or suspended, it must be returned to the Registrar.

Registrar's Investigative Powers

The Registrar possesses the general power of investigation under the Act and in respect to the delivery of services. The Registrar may:

- Inspect the business offices of any person being investigated and obtain a search warrant to enter a dwelling house
- Conduct any necessary investigation following a complaint from a member of the public about a licensee. The complainant must be advised of the results of the complaint. Any information received by the Registrar must be kept confidential unless the Minister expressly authorizes its release
- Apply to the court to obtain a search warrant
- Apply to the court for a restraining order to prevent the violation or continued violation of the Act

Obstruction of the Registrar's investigation is an offence under the Act.

Prohibited Behaviors and Requirements for Licensees

Prohibited Behaviors:

- Holding themselves out as police officers or connected to a police service
- Referencing government licensing or bonding in any advertisement
- Using a name other than the one under which they are licensed
- Using the term "detective" in describing themselves
- Allowing others to use their license

Licensee Requirements:

- Wear a uniform approved by the Registrar
- Carry and present their license to anyone making that request
- Comply with any terms and conditions of their licenses
- Be over 18 years of age
- Return their licenses to the Registrar when they expire, or are terminated, suspended, or canceled
- Report to the Registrar any incident involving a member of the public that involves the use of force or other unusual intervention

Offences and Penalties

Security guards commit an offence under the Act if they:

- Knowingly furnish false information in any application or statement required under this Act or the regulations
- Fail to comply with any order or requirement made under this Act or the regulations
- Fail to comply with a condition of a license
- Contravene or fail to comply with any provision of this Act or the regulations

Penalties include:

- For individuals (non-corporations): A fine of up to \$25,000 or imprisonment for a term of up to one year, or both
- For corporations: A fine of up to \$250,000. Additionally, any officer, director, or agent of a corporation who directed or participated in the act that constitutes an offence by the corporation is guilty of that offence, whether or not the corporation itself is prosecuted or convicted.

Identification of Security Guards

When the new legislation came into force, guidelines for the identification of guards changed significantly. While working, every guard shall, upon request, produce their license for inspection. Much like police officers produce their badges, security guards must be able to properly identify themselves when enforcing the law on their sites. Specifically, every security guard must:

1. Carry their license
2. Identify themselves as a security guard upon request
3. Produce their license upon request 2005, c.34, s.35(1).

By understanding and adhering to the PSISA and the Ministry Code of Conduct, security guards can ensure they perform their duties within legal and professional standards.

General Rules and Standards of Practice

These rules, found between sections 35 and 40 of the PSISA, outline the conduct Security Guards must follow during their day-to-day activities:

1. Carrying and Presenting Licenses

- Security Guards must always carry their license while working, including "plain-clothes" Security Guards such as loss prevention personnel or bodyguards.
- They must identify themselves as Security Guards and show their license if a member of the public requests it.

2. Uniform Requirements

- Except for bodyguards and loss prevention personnel, Security Guards must wear a uniform while working.
- Further information on uniform regulations is provided in the Uniforms Regulation.

3. Symbols of Authority

- Security Guards are prohibited from carrying any symbol of authority other than their license and uniform. For example, carrying a metal badge is prohibited.

4. Prohibition on Misrepresentation

- Security Guards must not hold themselves out as police officers or perform police-related duties.
- They are prohibited from using the following terms when referring to their work as Security Guards: Detective or Private Detective, Law Enforcement, Police, Officer.
- For example, Security Guards must not refer to themselves as "security officers."

By adhering to these general rules and standards of practice, Security Guards ensure they comply with the PSISA and maintain professional conduct in their roles.

Licensee May Not Act As A Collector, Etc.

Security Guards are prohibited from acting as collectors in the following contexts:

- Collection of accounts
- Acting as a bailiff
- Assisting with an eviction under the Tenant Protection Act (1997)
- Assisting with an eviction under the Residential Tenancies Act (2006)

Canada's Multicultural Society

Canada is recognized as a multicultural society. The multiculturalism policy of Canada encourages people from various cultures living in Canada to share and retain their cultural uniqueness. New Canadians are not required to discard their cultural practices and traditions to assimilate into Canadian society. The primary requirement is that all Canadians abide by the laws of the land and the Constitution.

The multicultural policy promotes mutual respect for cultural differences. In situations where individuals are unfamiliar with the cultural practices of others, it is recommended that both groups make an effort to understand each other's cultural practices, especially if they are to have a working relationship.

Living in a multicultural society means that people from all cultures receive the same rights and freedoms, provided they obey Canadian laws. Every year, new immigrants and refugees come to Canada, many of whom may not speak or understand English well. As a Security Guard, you will encounter many such individuals. Because of your uniform, many people will view you as an authority figure. In some countries, Security Guards are more involved in police work than they are in Canada. Consequently, some individuals may react strongly towards you due to past negative experiences with authorities in their home countries.

Key Points for Security Guards in a Multicultural Society:

1. **Respect Cultural Differences:** Always show respect for the cultural practices and traditions of others.
2. **Effective Communication:** Be aware that language barriers may exist. Use clear, simple language and be patient when communicating with individuals who do not speak English well.
3. **Cultural Sensitivity:** Understand that some individuals may have had negative experiences with authority figures in their home countries, which may influence their interactions with you.
4. **Legal Compliance:** Ensure that you and those you interact with are abiding by Canadian laws and the Constitution.
5. **Authority Perception:** Recognize that your uniform may cause some individuals to view you as an authority figure, and respond to their concerns with empathy and professionalism.

By understanding and respecting the multicultural nature of Canadian society, Security Guards can perform their duties more effectively and foster positive interactions with individuals from diverse cultural backgrounds.