

Additional Legislation

Security Guards must be aware of several key pieces of legislation they may encounter in their duties:

Provincial Offences Act, R.S.O. 1990

The Provincial Offences Act governs the procedures for addressing violations of provincial and municipal laws. Individuals charged under these non-criminal statutes generally face penalties such as fines. In more severe cases, they may receive a summons to appear in court. Notably, a conviction under the Provincial or Municipal offences does not result in a permanent criminal record. However, information reports are created and can be accessed via police databases, often remaining on file for three years or more.

For instance, parking violations are addressed under this legislation. If you are a Municipal Law Enforcement Officer (M.L.E.O.) or By-law Enforcement Officer employed by a municipality or authorized private firm to issue parking tickets, you act as an "agent of the Crown." This role carries significant responsibilities for transparency and accountability. It is essential to perform your duties professionally while ensuring your own safety.

If you are not a By-law Enforcement Officer, as a Security Guard, you can request the municipality to dispatch a By-law Officer to issue a ticket and, if necessary, tow the vehicle. In such situations, the Guard must remain with the vehicle until the By-law Officer or tow truck arrives.

Employment Standards Act, 2000

The Employment Standards Act, overseen by the Ontario Ministry of Labour, aims to protect employees from exploitation by establishing fair labor practices. This legislation sets limits on the number of hours an employee can work within a specific timeframe, outlines the permissible grounds for termination of employment, and details the procedures for investigating and resolving complaints. Security Guards must report any violations of this Act to senior management immediately.

As a Security Guard, you must be paid at least the minimum wage for every hour you work. You are also entitled to overtime pay, vacation pay, and public holiday pay. Some security companies might pay their guards in cash, which is legal provided the employer issues a record or "pay slip" each time you are paid. However, being paid in cash may affect your eligibility for Employment Insurance (EI) and other benefits.

It is unacceptable for Security Guards to be denied breaks, even if they work alone and cannot leave the site. Every worker is entitled to a 30-minute unpaid break (or two 15-minute breaks) within a 5-hour work period.

Additionally, if you are called in for a shift but sent home early, you must be paid for at least 3 hours of work, provided you were scheduled to work for 3 or more hours that day.

Occupational Health and Safety Act

The Occupational Health and Safety Act (OHSA) is focused on ensuring a safe work environment for employees. It mandates that every reasonable precaution be taken to prevent workplace accidents. Here are some key duties and precautions outlined by the Act for various workplace parties:

Employers

- **Maintain Equipment:** Ensure all equipment is properly maintained.
- **Provide Safety Instruction and Training:** Offer safety instructions and job training.
- **Inform About Hazards:** Ensure employees are aware of health and safety hazards in the workplace.
- **Provide Safety Gear:** Supply employees with the necessary equipment and safety gear to perform their jobs safely.
- **Prevent Exposure to Hazards:** Ensure employees are not exposed to health or safety hazards.
- **Collaborate on Safety:** Cooperate with the Joint Occupational Health and Safety Committee, Health & Safety Representatives, and Department of Environmental and Labour Occupational Health and Safety Officers.
- **Compliance:** Adhere to the Act and ensure that employees comply as well.

Contractors or Constructors

- **Ensure Safety:** Guarantee the health and safety of people at or near the workplace or construction project.

Employees and Security Guards

Employees, including Security Guards, must report any potentially dangerous conditions in the workplace. If a supervisor does not address the issue satisfactorily, it should be escalated to the Joint Occupational Health and Safety Committee or Health & Safety Representative. If the issue remains unresolved, it should be reported to the Occupational Health and Safety Division of the Department of Environment and Labour.

Employees and Security Guards must also take every reasonable precaution to ensure their health and safety and that of others in the workplace. This includes:

- **Following Safety Instructions:** Adhering to instructions to wear proper safety equipment and use safety procedures.
- **Cooperating with Safety Committees:** Working with the Joint Occupational Health and Safety Committee or Health & Safety Representative.

Owners

Owners must maintain their land or premises properly when used as a workplace and provide necessary health and safety information to any employers occupying their land or premises.

Architects, Engineers, and Health and Safety Consultants

These professionals must ensure that the information they provide is accurate and complete to promote workplace safety.

Labour Relations Act, 1995

The Labour Relations Act establishes a framework for the proper conduct between employers and employees. As a Security Guard, you represent the property owner, maintaining the security of their site. In this role, you are authorized to remove trespassers or make arrests when a crime is being committed. Acting as the property owner's agent, your duties include protecting people and property from crime, safety hazards, and any other extraordinary circumstances. Essentially, you serve as the property owner's eyes and ears.

The relationship between a Security Guard and the client is professional. While acting on behalf of the client, your primary responsibility is to safeguard their property.

Role of a Security Guard During Labour-Management Disputes

During labour-management disputes, Security Guards play a crucial role in maintaining security and facilitating communication. Here are key guidelines and responsibilities for Security Guards in such situations:

- **General Conduct:**
 - Security Guards must not physically obstruct any legal actions on site.
 - When dealing with trespassers, Security Guards may ask them to leave peacefully.
 - During a legal strike, Security Guards are tasked with facilitating polite communication between strikers and the public. They should refrain from making judgments, expressing opinions, or commenting on the nature of the strike.
- **Responsibilities Towards Labour Disputes:**
 - Recognize that labour disputes involve employees who may return to the site regularly after the dispute is resolved.

- Ensure the safety of the site and all individuals visiting it, regardless of their role or status during the dispute.
- **Facilitating Management Access:**
 - Management retains the right to access the site during a labour dispute.
 - Security Guards must ensure that managers can access the site as needed. If striking workers physically obstruct management, Security Guards may request them to move. Refusal should prompt a call to the police, avoiding physical force at all times.
- **Picketing Rights:**
 - Pickets have the right to public protest but must not enter the property.
 - Typically, picketing occurs on the road leading to the site.
 - Strikers may have specific rights to access certain areas during a strike, such as university campuses.
- **Ensuring Safety During Protests:**
 - Security Guards must safeguard the physical welfare of individuals on site.
 - In case of aggressive behavior from drivers or others, Guards may request picketers to leave the roadway for their safety. Compliance is not guaranteed, but Guards should clearly communicate the risks involved.
- **Dealing with Vandalism or Criminal Activity:**
 - Security Guards are authorized to intervene if strikers engage in vandalism or criminal activities on site.
 - For criminal incidents, involving the police is necessary. Guards should document details and seek police assistance promptly if needed.

In summary, Security Guards during labour disputes act as agents of the property owner, ensuring site security, facilitating communication, and upholding safety standards for all parties involved.

Liquor Licence and Control Act, 2019

Comprehensive Guide to Legal Responsibilities in Alcohol Service

In the domain of alcohol service, security personnel assume critical roles in ensuring compliance with stringent legal regulations stipulated under the Liquor License and Control Act, 2019. This legislation imposes rigorous obligations on establishments holding liquor licenses, aimed at safeguarding public welfare and maintaining the operational integrity of licensed venues.

The Vital Role of Security Guards

Security guards stationed at venues where alcohol is served undergo mandatory Smart Serve training. This foundational certification equips them with comprehensive knowledge concerning the risks associated with alcohol consumption and the protocols necessary to mitigate these

risks effectively. Their principal duty involves preventing access to alcoholic beverages by individuals who are visibly intoxicated or below the legal drinking age of 19, as detailed in Sections 31, 32, and 33 of the Liquor License and Control Act.

For example, consider a bustling nightclub scenario where a security guard observes a patron exhibiting signs of severe intoxication. In accordance with Section 32 of the Liquor License Act, the guard intervenes promptly to prevent further alcohol consumption and ensures the individual's safe departure from the premises, thereby upholding legal requirements and ensuring patron safety.

Authority to Enforce and Remove

Empowered by Section 34 of the Act, security guards possess the authority to enforce these regulations decisively. This includes the removal of individuals who violate the Act or pose a threat to public safety, utilizing necessary force only as a last resort. Moreover, Section 34(5) grants license holders discretionary power to refuse entry to individuals deemed disruptive or detrimental to the establishment's operations, thereby ensuring continued compliance and fostering a secure environment.

Handling Intoxicated Persons and Minors

Under Section 31 of the Liquor License Act, no person shall be in an intoxicated condition in places accessible to the general public or in residential spaces used in common. Similarly, Sections 32 and 33 prohibit the sale or supply of liquor to intoxicated individuals and minors under the age of 19 on licensed premises, except under specific circumstances outlined in the Act. These provisions are crucial for maintaining a safe environment and complying with legal standards during alcohol service.

Consider a hypothetical scenario at a large outdoor concert where security personnel observe underage individuals attempting to gain access to restricted areas where alcohol is being served. Acting in accordance with the Liquor License Act, the security team promptly denies entry to these individuals and prevents any unauthorized consumption, thereby mitigating potential legal violations and ensuring compliance with regulatory standards.

Removing Persons from Premises

According to Section 34(2) of the Liquor License Act, license holders or their authorized agents may require individuals violating the Act to leave licensed premises immediately. If compliance is not met, the licensee, permit holder, or their employees may use no more force than necessary to remove the individual from the premises, as stipulated in the Act.

Legal Framework and Compliance Measures

The Liquor License Act, 2019, establishes a comprehensive framework for alcohol service establishments, encompassing an extensive array of rules and penalties for non-compliance. Violations of these regulations, as outlined in Section 44(1), may result in severe repercussions, including substantial fines and the potential revocation of the establishment's liquor license.

Conclusion

In conclusion, the role of security personnel in upholding the legal standards of alcohol service establishments is indispensable. Through diligent enforcement of the provisions set forth in the Liquor License Act, security guards play a pivotal role in ensuring the safety of patrons, maintaining order within licensed premises, and safeguarding the operational legitimacy of the establishment. Familiarity with and strict adherence to these legal responsibilities are essential for all personnel involved in alcohol service to operate lawfully and responsibly.

For further insights, refer to additional resources the [Alcohol Service at Festivals and Large Public Events Smart Serve Tips.](#)

Residential Tenancies Act, 2006 and Condominium Act, 1998

Security guards often oversee the administration of rules and regulations on residential properties, which can be quite complex due to the involvement of multiple stakeholders such as condo boards, property owners, landlords, tenants, and visitors, each with their unique rights. Guards must be knowledgeable about the rules governing landlord-tenant relationships to perform their duties effectively.

Role of Security Guards in Residential Properties

Residents may perceive a security guard's role as merely greeting them, receiving packages, booking amenities, or welcoming guests. While these tasks are important, the primary responsibility is to ensure the safety and security of the residents. This includes escorting unwanted guests from the premises discreetly, detecting suspicious activities to prevent potential issues, and adhering to post orders efficiently. Effective communication, attention to detail, critical thinking, teamwork, and problem-solving are crucial skills for ensuring residents feel safe.

Tenant Privacy Rights

Tenants have certain privacy rights, despite not owning the property. Landlords are restricted from entering a tenant's unit without prior authorization except under specific circumstances:

1. Without Written Notice:

- In emergencies, such as a fire.
- With tenant's permission.
- For "bed checks" if agreed upon in writing by a care-home tenant.

2. Without Written Notice (8 am to 8 pm):

- If the rental agreement requires the landlord to clean the unit (unless stated otherwise).
- If a notice of termination has been given or there is an agreement to terminate the tenancy, and the landlord wants to show the unit to a potential new tenant. The landlord must try to inform the tenant beforehand.

3. With 24-Hour Written Notice (8 am to 8 pm):

- For repairs or work in the unit.
- To show the unit to potential purchasers, insurers, or lenders.
- For inspections by professionals for purposes related to the Condominium Act, 1998, or any reasonable purpose allowed by the rental agreement.

Rights Under the Ontario Human Rights Code

Tenants are protected from discrimination under the Ontario Human Rights Code, ensuring equal treatment regarding accommodation occupancy without discrimination based on various grounds such as race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or receipt of public assistance.

1. Equal Treatment in Accommodation (Section 2 (1)):

- Every person has the right to equal treatment in terms of accommodation occupancy without discrimination (R.S.O. 1990, c. H.19, s. 2 (1); 1999, c. 6, s. 28 (2); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (2); 2012, c. 7, s. 2 (1)).

2. Freedom from Harassment (Section 2 (2)):

- Tenants have the right to freedom from harassment by the landlord, landlord's agent, or other occupants due to the same grounds as mentioned above (R.S.O. 1990, c. H.19, s. 2 (2); 1999, c. 6, s. 28 (3); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (3); 2012, c. 7, s. 2 (2)).

By understanding these laws and regulations, security guards can better manage residential properties, ensuring both the security and the rights of the residents are upheld.