



SECTION 2:

The Private Security and Investigative Services Act and Ministry Code of Conduct

LEARNING OBJECTIVES

- ❖ Private Security and Investigative Services Act, 2005
 - Explanation on individual's responsibility regarding licensing, including the licensing process and mandatory requirements
 - Explanation on the general duties, standards, practices, regulations and prohibitions
 - Explanation on the requirement to produce a license
- ❖ Code of Conduct
 - Explanation on the relevant components and the consequences of failing to comply
 - Definition of complaint procedures
 - The authority to act as a Security Guard



UNDERSTANDING THE PSISA

The security industry is regulated by the Private Security and Investigate Services Act (PSISA) of 2005. This act sets out the regulations and prohibitions that security guards must abide by, including the Code of Conduct.

In this article, we will discuss the PSISA and the individual's responsibility regarding licensing, as well as the types of licenses available and mandatory requirements for obtaining one.

The PSISA replaces the Private Investigators and Security Act and came into effect in 2005. The regulations under the act came into effect on August 23, 2007, with the exception of uniforms, vehicles, and insurance, which came into effect in 2009 and training in 2010. The act requires security industry workers to be licensed, including those that were not licensed previously. New licensing provisions allow the security worker to own their license, whereas before, the company would own it.

Changes To the Security Industry Include: standards for uniforms, equipment, vehicles, license eligibility, use of force reporting, and conduct.

INDIVIDUAL LICENSE

No person shall act as a private investigator or a security guard or hold himself or herself out as one unless the person holds the appropriate license under this Act and,

- is employed by a licensed business entity, a registered employer under section 5, or an employer that is not required to be registered; or
- is the sole proprietor of a licensed business entity or is a partner in a licensed business entity. 2005, c. 34, s. 6.

This section is self-explanatory, it states that in order to work as a security guard or private investigator one must have a valid security license. (Section 5 refers to registration of a business entity and/or registered employer.)

Security guards are now responsible for their security license and must be aware of the various requirements for obtaining and maintaining one.



There are several types of licenses that may be issued under the PSISA:

- A license to act as a private investigator,
- A license to act as a security guard,
- A license to engage in the business of selling the services of private investigators,
- A license to engage in the business of selling the services of security guards,
- A license to act as both a private investigator and a security guard, and
- A license to engage in the business of selling the services of both private investigators and security guards.

MANDATORY REQUIREMENTS UNDER THE PSISA

Individuals are only eligible to HOLD A LICENSE under the PSISA if they:

- Are 18 years or older,
- Possess a Clean criminal record,
- Are Entitled to work in Canada, and
- Have successfully completed all prescribed Training and Testing.

This ensures that security guards are qualified and capable of performing their duties in a professional and ethical manner.

In conclusion, the PSISA and the Ministry Code of Conduct are important guidelines for security guards to follow. It is essential for security guards to be familiar with the act and the regulations in order to ensure they are providing a high-level of service and protecting the public's safety.

By understanding the PSISA and the individual's responsibility regarding licensing, security guards can maintain a professional image and uphold the integrity of the security industry.

❖ CLEAN CRIMINAL RECORD:

"Clean criminal record" refers to the criteria that must be met in order for a person to be considered eligible to hold a license as per subsection (1) of the PSISA. According to this subsection, a person possesses a "clean criminal record" if:



They have not been convicted of a prescribed offence under the Criminal Code of Canada, the Controlled Drugs and Substances Act of Canada, or any other federal law of Canada.

They have been convicted of such an offence but have received a pardon under the Criminal Records Act of Canada.

It is important to note that Section 10 of PSISA covers a wide range of requirements and procedures related to licensing, including:

- The criteria that must be met in order to be eligible to hold a license,
- The process and timeline for returning the license if the person no longer meets the eligibility criteria,
- The procedure for notifying the person that their license is no longer valid,
- The person's right to request a reconsideration of their ineligibility, and the meaning of having a clean criminal record as per the act.

What if I am convicted of a criminal code or controlled drugs and substances act offence, but already hold a security guard license?

When and if a licensee no longer meets any of these mandatory requirements, the licensee must stop acting or offering services under the license and must return the license to the Registrar within five business days, excluding Saturdays, Sundays and public holidays. 2005, c. 34, s. 10 (2).

APPLICATION FOR A LICENSE UNDER THE PSISA

The Private Security and Investigative Services Act (PSISA) outlines the requirements for applying for a license. According to section 11 of the Act, a person who is seeking to apply for or renew a license must provide the following information:

- A mailing address for service in Ontario. This is necessary for the Ministry to be able to communicate with the applicant regarding their application.
- The required fee for the issuance or renewal of the appropriate license. This is a standard requirement for all government licensing applications.



- A declaration that lists all convictions and findings of guilt for offenses under a law of Canada up to the date of the declaration for which a pardon under the Criminal Records Act (Canada) has not been issued.
- This includes convictions for provincial offenses or offenses under the laws of other provinces or territories of Canada.
- A list of all unpaid fines levied against the person for a provincial offense on the date of the declaration.
- All convictions for criminal offenses under the laws of other jurisdictions for which a pardon has not been issued or granted.
- All charges for allegedly committing an offense against a law of Canada that have been laid against the person and have not been resolved on the date of the declaration.
- All charges for allegedly committing a criminal offense against the laws of another jurisdiction that have been laid against the person and have not been resolved on the date of the declaration.
- Provide consent for the Registrar to collect information on any matter mentioned in clause (c).
- If the person is a business entity, provide the things required under clauses (c) and (d) in respect of the business entity and of every guard, director or partner, as the case may be, of the business entity.
- If the person is an individual, provide proof of age, entitlement to work in Canada, and successful completion of all prescribed training and testing.
- In the case of a license to engage in the business of selling the services of private investigators or security guards, provide proof of the insurance required under section 30.

In summary, the PSISA requires individuals and business entities seeking a license to provide detailed information about their criminal history, charges, and fines, as well as



proof of age, work eligibility, and training completion. They must also provide consent for the Registrar to collect this information and provide proof of insurance in certain cases.

GENERAL RULE FOR THE LICENSES

- A license must clearly indicate the type of license it is.
- A license must clearly indicate the expiration date.
- A person may hold multiple licenses, but cannot act as a security guard and private investigator simultaneously.
- Every license must display a recognizable photograph of the holder if the holder is an individual.
- A license is not transferable and can only be used by the holder.

Section 12 of the Act outlines the general rules that apply to licenses and licensees. These include:

- A license must clearly indicate its type and expiration date.
- An individual may hold multiple licenses but cannot act as both a security guard and a private investigator at the same time.
- Every license must feature a recognizable photograph of the holder, if the holder is an individual.
- Licenses are not transferable and can only be used by the person to whom they were issued.

❖ PRODUCING A LICENCE UPON REQUEST

Once you have been granted a license, you will receive an identification card with improved security features to fend off fraud.

Security guards must always have their licenses on them. They must also carry identification bearing their name and/or license number. Security guards are required to produce their license upon request.

Every two years, the Security Guard license needs to be renewed.



❖ LOSS OF REQUIREMENT:

The PSISA requires that all licensed security guards and private investigators meet certain requirements in order to maintain their license. If at any point a person who holds a license fails to meet these requirements, they are no longer eligible to act as a security guard or private investigator.

In this situation, the individual must immediately return their license to the Registrar within five days, excluding weekends and public holidays.

This is in accordance with section 37 of the PSISA and the Employment Standards Act, 2000. Failing to

return the license in a timely manner could result in penalties or further consequences. It's important for security guards to be aware of their responsibilities and obligations as per the PSISA to ensure they are able to maintain their license and continue working in the security industry.

❖ NOTICE BY REGISTER:

If the Registrar becomes aware that a person who has been issued a license no longer meets the requirements outlined in the previous subsection (1), the Registrar must immediately notify the person that their license is no longer valid, as per the records.

❖ REQUEST TO RECONSIDER:

The fourth subsection of Section 10 of the PSISA details the process for requesting a reconsideration of the change to a person's licensure status. If a person has received notice from the Registrar that their records have been updated to reflect that they no longer meet the requirements for holding a license (as outlined in subsection (3)).

The individual has the opportunity to request that the Registrar reconsider this change. The Registrar will then review any relevant information provided by the person in order to make a decision on whether to reinstate the individual's license or not. 2005, c. 34, s. 10 (4)



❖ REVOCATION:

The Registrar, or the individual responsible for issuing or renewing licenses, has the authority to revoke a license for any reason for which they could have refused to issue or renew the license under subsection 13(2) of the act.

Immediate suspension: If the Registrar believes it is in the interest of public safety, they may immediately suspend a license before revoking it.

Duration of suspension: The suspension will remain in effect until the licensee requests an opportunity for a hearing under subsection 16(3) and a final determination has been made in relation to the proposed revocation with no further right of appeal the Registrar receives new information that leads them to believe the license should not be revoked the license does not request a hearing within the time permitted under subsection 16(3) and the Registrar proceeds to revoke the license.

❖ PORTABILITY OF LICENSES

The Act permits license portability. As a result, the following is achieved:

- It enables security professionals to switch employers or work for more than one organization at once without needing to obtain new licenses.
- It raises the potential income for those who work part-time.
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- By shifting responsibility to the individual licensee, it relieves businesses of this administrative burden.

A security guard might occasionally only work part-time hours. The security guard may work for more than one company as long as the employer is okay with it in order to earn a living wage. Given that guarding demands mental alertness, a guard should wisely balance their schedule to prevent fatigue. Be careful not to ruin your security guard reputation by working two consecutive eight-hour shifts.

It is crucial to remember that security professionals must be actively employed by a licensed business or registered employer in order to act as a security guard, even though each individual licensee has their own license and can only act as a security guard if they hold a license.



ACTIVITY FOR LEARNING JOURNALS

Spend a short while reflecting in your learning journal. Utilize the template for the learning journal that you downloaded earlier in the course. As you take notes, type your reflection in the document and save the changes. At the end of the course, you must upload this worksheet. The worksheet can be printed out after you've finished using it for future reference.

Write your thoughts on the following in your learning journal:

Why wouldn't a company permit a part-time security guard to make up time by working for another company?

GENERAL DUTIES AND STANDARD OF PRACTICE

There are 11 sections under this part here are some that a security guard should be familiar with:

❖ APPROPRIATE LICENSE

Section 31 of the act states that, any company who hires people to work in security must ensure that they have a valid security or private investigator license. Security guard licence must be carried

Every person who is acting as a security guard or holding himself or herself out as one shall,

- Carry his or her licence;
- Identify himself or herself as a security guard; and
- Produce his or her licence.

❖ SECURITY GUARD UNIFORM

(2) Subject to subsection (3), every person who is acting as a security guard or holding himself or herself out as one shall wear a uniform that complies with the regulations. 2005, c. 34, s. 35 (2). You will read about the compliant uniform in the Ontario Regulation Topic in this chapter.

EXCEPTION



(3) Subsection (2) does not apply to a person who is,

- Acting as a bodyguard; or
- Performing services to prevent the loss of property through theft or sabotage in an industrial, commercial, residential or retail environment.

Section 35 of the act talks about how security guards must carry their license with them at all times when working and must:

- Carry their license on them.
- When asked, must identify him/her self as a security guard.
- When asked, must produce his or her license.

The section also talks about how anyone working as a security guard must wear a uniform that complies with regulations, further elaborated later on in this chapter. Certain terms prohibited.

❖ PROPERTY OF THE CROWN 2005, C. 34, S. 37

Licences are the property of the Crown. Licences are to be returned immediately to the Registrar in the following circumstances:

- The Licence is suspended or revoked.
- The licence names a branch office at which the public is invited to deal and the business entity discontinues business at that office.
- The licence is to engage in the business of selling the services of private investigators or security guards and the licensee discontinues the business.
- The person ceases to meet a requirement set out in subsection 10 (1) and is prohibited under subsection 10 (2) from acting or offering services under the licence.



❖ PROHIBITED TERMS 2005, C. 34, S.40

Section 40 states no security guard or private investigator shall refer to himself or herself as:

- Detective or Private Detective
- Law enforcement.
- Police
- Guard

❖ OFFENCE 2005, C. 34, S. 43 (1)

A person is guilty of an offence if he, she or it,

- Knowingly furnishes false information in any application under this Act or in any statement or return required under this Act or the regulations;
- Fails to comply with any order or other requirement made under this Act or the regulations;
- Fails to comply with a condition of a license; or
- Contravenes or fails to comply with any provision of this Act or the regulations

❖ OTHER DUTIES RE LICENCES 10 (1). 2005, C. 34, S. 38

No person shall,

- Possess, display or permit to be displayed a fake, altered or fraudulently obtained license;
- Lend a license to another person or permit another person to use it;
- Display or represent as his, her or its own a license that was not issued to him, her or it;



- Display or represent as valid a license that has been suspended or revoked; or
- Display or represent as valid a license when the person to whom the license was issued no longer meets a requirement under subsection.

❖ HOLDING OUT AS POLICE 2005, C. 34, S. 39

It is a violation of the Act for licensees to represent themselves as providing services or performing duties connected with police.

PROHIBITIONS

The prohibitions affect licensed agencies, and individual security guards and private investigators. For this lesson, we will concentrate on prohibitions that directly affect security guards and private investigators.

The Act prohibits individuals from acting as security guards and private investigators unless they are licensed under the PSISA and employed by a registered business, a business licensed under the PSISA or a business that is not required by the Act to be registered. 2005, c. 34, s. 6.

Security guards and private investigators are prohibited from doing the following:

- Collecting accounts;
- Acting as a bailiff;
- Evicting tenants under the Residential Tenancies Act, 2006.

Under the Act, security guards and private investigators are prohibited from doing the following:

- Locating people who they think or know are members of a witness protection program;
- Gathering information about people they think or know are members of a witness protection program so that they can be located. 2005, c. 34, s. 9 (2).



ONTARIO REGULATION

❖ ELIGIBILITY TO HOLD A LICENCE ONTARIO REGULATION 37/08

In order to be eligible to hold a license, an individual must have a clean criminal record.

▪ PRESCRIBED OFFENCES

If an individual has a conviction for any one of the offences lead an individual to be ineligible for a license unless a pardon has been granted.

▪ BATONS

Security guards may use a baton if:

- The business employing the guard issues the baton
- The baton is used for defensive purposes only
- The business carries insurance to cover the risks associated with baton use

▪ HANDCUFFS

Security guards may use handcuffs if the employer issues them.

❖ RESTRAINTS

Cable ties or strip ties may not be used

❖ UNIFORMS ONTARIO REGULATION 362/07

According to the Private Security and Investigative Services Act, security guards must wear a uniform when they are acting as a security guard or holding themselves out as one. The uniform must comply with the following regulations:

- These regulations came into force on August 23rd, 2009.
- The name, logo, or crest of the licensee that employs the security guard must be affixed to the chest of the outermost piece of the uniform.



- The term "SECURITY" or "SECURITY GUARD" must be affixed to the outermost piece of the uniform, in upper case letters that are at least 1.5 centimeters high and in a color that contrasts with the dominant color of the uniform.
- An identification tag with the security guard's name or license number must be affixed to the outermost piece of the uniform.
- The uniform must not have rank chevrons, except for the Corp of Commissionaires.
- If the uniform includes a shirt with a collar, the shirt must not be black or navy blue.
- The trousers must not have stripes, other than reflective safety stripes, down the sides.
- The uniform must not include a police-style forage cap.

❖ VEHICLES ONTARIO REGULATION 364/07

According to the regulations under the Private Security and Investigative Services Act (PSISA), vehicles cannot be used in the provision of security services unless they are in compliance with the regulations. The regulations state that:

- The word "SECURITY" must be prominently displayed on the vehicle in a color that contrasts with the color of the vehicle.
- The vehicle must not have any red, blue, gold or yellow stripes in any combination of red, blue, gold or yellow stripes, except as part of the licensee's crest or logo.
- The vehicle must not have the following terms displayed: "Detective", "Private Detective", "Police", "Guard".
- These regulations came into force on August 23rd, 2009.

❖ EQUIPMENT ONTARIO REGULATION 366/07 FIREARMS

Security guards are permitted to use firearms provided the following:

They are authorized to carry a firearm under section 20 of the Firearms Act (Canada).



They are employed by a licensed or registered business that holds a license under the Firearms Act (Canada) that authorizes the business to possess firearms or engage in activities with firearms.

The business issues the firearm to the individual under the Firearms Act (Canada).

❖ EXEMPTIONS FROM THE ACT ONTARIO REGULATION 435/07

When individuals conduct an investigation authorized by another Act of Ontario or Canada (provincial or federal statute), they are exempt from the requirement to be licensed as a private investigator

❖ INFORMATION TO BE PROVIDED TO THE REGISTRAR (DOCUMENTATION) ONTARIO REGULATION 361/07

- Security guards must notify the registrar within five days of being convicted or found guilty of anything prescribed under Ontario Regulation 360/07.
- Licensed businesses that sell security guard services are required to provide the Registrar with color photographs of the front, back and sides of uniforms and marked vehicles.
- Licensed agencies must provide the Registrar within five business days any changes in uniforms and vehicles (with color photographs) as well as guards, directors, or partners.
- New guards, directors and/ or partners will provide within five days a list of convictions, findings of guilt for offences, unpaid fines and outstanding charges within Canada's jurisdiction and other jurisdictions.
- Licensed agencies must provide the Registrar with the names of all employees authorized under the Firearms Act to carry firearms. They must also inform the Registrar when such employees are no longer employed by the business.



❖ REGISTRATION REQUIREMENTS FOR LICENSES BUSINESS ENTITIES ONTARIO REGULATION 368/07

Registered businesses that employ in-house security guards or private investigators must provide the Registrar annually with the following:

- A list of all employees who are security guards and/or private investigators;
- The name, address and phone number of a company representative.

❖ INSURANCE ONTARIO REGULATION 462/07

Licensed agencies must carry at least two million (\$2,000,000) in general liability insurance.

Security guards who must conceal their identity in order to carry out their duty as bodyguards or of loss prevention (through theft or sabotage) in an industrial, commercial, residential or retail environment are exempt from the requirement to identify themselves as security guards upon request and to produce a license upon request.

❖ RECORDKEEPING REQUIREMENTS FOR LICENSED BUSINESS ENTITIES ONTARIO REGULATION 434/07

Licensed agencies must keep the following records:

- A list of security guards and private investigators previously employed within the last two year;
- Employment contracts for these two categories; and
- Records regarding time periods and locations for the above two categories.

The following records arising out of security guards and private investigator services:

- Notes and reports created by security guards and private investigators;
- Photos, videos, audio files, and electronic records created by or obtained by security guards and private investigators;
- Use of force reports for handcuffs, baton, firearm or weapon use; and



- Use of force reports for dog use to attack people.
- The following is to be kept in regards to handcuffs, batons and firearms:
 - List of names of security guards or private investigators authorized to carry handcuffs, baton or firearms;
 - Evidence that security guards or PIs received proper training for use of handcuffs, baton or firearms;
 - Documentation of the credentials of trainer who provided training in use of handcuffs, baton or firearms;
 - Evidence of appropriate insurance for the use of handcuffs, baton or firearms;

Equipment logs detailing the following:

- The times handcuffs, batons, or firearms were issued along with the names of the security guards they were issued to;
- The type issued;
- The location where they were carried; and
- A threat assessment justifying the use of batons.

The following is to be kept in regards to use of dogs:

A Record of The Dog's Training;

- Evidence of the security guard's training in dog use;
- Policies and procedures for the care and handling of dogs;
- A log detailing times dogs were issued and to whom.
- Licensed agencies must keep the above documentation for a period of two years.

In the event of investigation, inspections, complaints, etc., the documentation must be kept until the matter comes to a conclusion and all rights of appeal are exhausted.

❖ USE OF ANIMALS ONTARIO REGULATION 365/07

Animals cannot be used to control individuals or crowds or to pursue or restrain individuals



Animals must be accompanied by security guards. Dogs can be used to track and detect people.

Security guards can be accompanied by dogs for protection purposes, provided the following:

- The dog is on a lead;
- The dog is under control of the security guard; and
- The dog is wearing a fluorescent collar and ID tag with the name of the licensed agency.

Dogs must be trained to do the following:

- Obey commands of handler or security guard;
- Respond only to aggression against the handler or security guard;
- Respond appropriately when aggression stops; and
- Not kill or seriously injure people or animals.

Licensed agencies must have formal written policies and procedures on the care and handling of patrol dogs.

People who purchase or are given dogs must be told that the dogs accompanied one or more security guards.

❖ TRAINING AND TESTING ONTARIO REGULATION 463/07

Previous to Bill 159, training requirements did not exist for the guarding industry within the province of Ontario. Guard training lacked consistency from provider to provider and the perception existed that many guards lacked proper training.

To be eligible for a license, security guards will have to comply with the training and testing regulations. The training material will be delivered through approved public and private trainers and the testing will be set by the Ministry.

❖ USE OF FORCE REPORTING

The Use of Force Reporting regulation states that a licensed business entity providing private investigator or security guard services must keep a use of force report, in the form approved by the Registrar, for every instance in which an employee uses handcuffs, a baton, a firearm, or any other weapon or force in the course of their employment.



Additionally, a use of force report must also be kept for every instance in which a dog used in the provision of private investigator or security guard services attacks a person. This regulation is found under the Recordkeeping Requirements for Licensed Business Entities. It means that it is mandatory to keep records of any instance where force is used by the guards.

CODE OF CONDUCT

The law establishes higher requirements for the security industry's professional code of conduct. There will be no tolerance for racism, prejudice, or the use of excessive force. This rule outlines the suitable and incorrect conduct for security personnel to exhibit while on duty.

Security personnel will discover that abiding by the Code of Conduct is typically a matter of common sense; personnel are required to treat members of the public with respect.

You may have seen security guards who do not seem to do much work or know what's going on around them. They also do not seem interested in learning new skills. These guards have a negative work attitude. The image that they give the public is that they do not take pride in themselves or their job.

Security guards who have a professional attitude are interested in their jobs and the people they meet. Guards with a positive work attitude believe that what they are doing is important. They take pride in themselves and what they do. They

- Try to improve themselves.
- Keep up with changes in the industry.
- Use what they learned in training, while they are on the job.
- Help other employees.
- Have energy and drive.
- Try to find better ways to do their job and to make the workplace safer for everyone.
- Come up with new ideas to improve the image of their company and the security industry and share them with their employer.

Professional guards have integrity and discipline. They also communicate well with all sorts of people.

BREACH OF CODE OF CONDUCT

A licensee is in breach of the code of conduct if the licensee contravenes or fails to comply with this Regulation. O. Reg. 363/07, s. 1.



❖ INDIVIDUAL LICENSEES

Every individual licensee, while working as a private investigator or security guard, shall,

- Act with honesty and integrity;
- Respect and use all property and equipment in accordance with the conditions of his or her 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 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; an
- Co-operate with police where it is required by law. O. Reg. 363/07, s. 2 (1).

No Individual Licensee Shall,

- 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; or
- Misrepresent to any person the type, class or conditions of his or her license. O.Reg. 363/07, s. 2 (2).



Clause (2) (d) does not apply to an individual licensee who is concealing his or her identity as a private investigator or security guard in order to carry out his or her duties. O. Reg. 363/07, s. 2 (3).

2.9.3 LICENSED BUSINESS ENTITIES

Every licensed business entity and every guard, director, partner and sole proprietor of a licensed business entity shall, in the course of conducting the licensed business,

- Comply with all federal, provincial and municipal laws;
- Treat all persons equally, without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability;
- Respect the privacy of others by treating all information received in the course of conducting the licensed business as confidential, except where disclosure is required for conducting the licensed business or by law; and
- Co-operate with police where it is required by law. O. Reg. 363/07, s. 3 (1). No licensed business entity and no guard, director, partner and sole proprietor of a licensed business entity shall,
- Conspire with another person or aid or abet another licensee in a breach of this code of conduct;
- Wilfully or negligently make a false statement or complaint against another licensee; or Misrepresent to any person the type, class or conditions of the licensee's licence. O. Reg. 363/07, s. 3 (2).

The Code of Conduct is in place to maintain a level of professionalism in the security industry. These are rules and regulations that the ministry has put out and a security guard must follow them. Should a security guard be found to be in contravention of said code they, could be subject to a fine or immediate suspension of their Security / Private Investigators License.



PUBLIC COMPLAINTS

OVERVIEW

Anyone with reason to believe that a security guard or private investigator has violated the Private Security and Investigative Services Act (PSISA) or its regulations may file a complaint against the security guard or private investigator.

PSISA will investigate public complaints alleging that a licence holder has:

- Violated the Code of Conduct regulation
- Failed to follow the PSISA and its regulations
- Violated a licence condition

Complaints under the Code of Conduct must be about the conduct of licenced security guards or private investigators while on duty. Complaints may also be lodged against licenced agencies, as well as their officers, directors, partners, and sole proprietors.

PSISA may also investigate complaints about individuals or organisations that are not licenced by the ministry.

Complaints about labour relations issues, such as wages, work stoppages, and grievances, are not covered by the PSISA.

PROCEDURE TO SUBMIT A COMPLAINT

To file a complaint, fill out the public complaint form and include the following information:

- A date and an electronic signature
- Witness names, addresses, and phone numbers
- As much information as possible

There is no cost to file a complaint.

FILE A COMPLAINT IN THREE WAYS:

1. MAIL

The Registrar/Director

Private Security and Investigative Services Branch

Ministry of the Solicitor General



25 Grosvenor Street, 12th Floor

Toronto, Ontario, M7A 1Y6

2. ONLINE

Fill out the public complaint form online. [CLICK HERE](#)

3. EMAIL

Scan and email the completed and signed form to PSIS.PublicComplaints@ontario.ca.

Complaints should not be submitted anonymously.

During regular business hours, please direct phone inquiries to 1-855-785-4499.

TIME LIMIT.

Any complaint regarding a violation of a Code of Conduct regulation must be filed within 90 days of the incident.

REPRESENTATION

You have the option of hiring a lawyer or an agent to represent you in filing a complaint. All associated costs are your responsibility.

The person who has filed the complaint may also choose to be represented by a lawyer or agent at their own expense.

If you are filing a complaint on someone else's behalf, include that person's name, address, and contact information on the public complaint form, as well as your relationship to that person.

HOW THE REGISTRAR WILL PROCESS THE COMPLAIN?

After receiving your complaint, the registrar will send you an acknowledgement letter within three business days.

Depending on the nature of the complaint, it may result in one or more of the following:

- Investigation
- Referral to police of jurisdiction or to a more appropriate office or ministry
- Licence revocation



- Facilitation, which could result in conditions being placed on licence correspondence (for example, a cease-and-desist letter)
- An inspection of an agency
- Dismissal of the complaint

If a complaint alleges violations of:

- The PSISA
- Its regulations
- A violation of a licence condition by a security guard or private investigator

If the complaint is about the conduct of a licenced agency, the agency may be subject to a compliance inspection.

If the complaint is determined to be a violation of the Code of Conduct regulation, it will be forwarded to a facilitator for resolution.

FACILITATION

The PSISA allows to address alleged Code of Conduct violations with the help of a licenced and independent facilitator contracted by the ministry.

A dispute between the complainant and the subject of a complaint is tried to be settled through discussion in the facilitation process. This option is not available when the subject of a complaint is not licenced.

When a complaint is received, the following is the step-by-step procedure for facilitation:

1. The complaint will be examined, and if it satisfies the criteria for a code-of-conduct violation, it will be submitted to a facilitator.
2. The facilitator will send a letter to both the complainant and the subject of the complaint, informing the subject that participation in the facilitation procedure is required under subsection 19(8) of the PSISA.
3. The facilitator will try to settle the complaint through face-to-face meetings or teleconference.



4. The facilitator will provide the registrar with a report on the outcomes of a facilitation session. The report may offer recommendations for corrective action.
5. The registrar will make the facilitator's recommended corrective action a condition of the licensee's licence. The proposed corrective action may include training in one or more of the following:
 - Anger management
 - Race relations
 - Communication skills
 - Interpersonal relations
6. The registrar may propose to cancel the licensee's licence and issue a written notice if the licensee doesn't comply with any conditions they have been given.
7. The licensee may then ask for a chance to be heard by the registrar within 21 business days in order to provide justification for why the registrar shouldn't take the suggested action.

WITHDRAWING A COMPLAINT

You may formally withdraw a complaint at any time before a decision is made.

The withdrawal must be in writing, signed, and delivered to the registrar, either by mail or e-mail. It should include the reason for withdrawing the complaint.

Withdrawing a complaint may not prevent the ministry from taking action in cases where it raised enough concern to warrant:

- A licence condition resulting from facilitation
- An investigation
- An Inspection
- A licence revocation

If you withdraw your complaint, you will not be able to receive any information about its status or outcome.



DISMISSAL OF A COMPLAINT

If the registrar determines that a complaint regarding a violation of the Code of Conduct regulation is frivolous, vexatious, or not made in good faith, the complaint may be dismissed. This includes complaints such as:

- Lack a reasonable objective
- Are made with the intent to annoy or harass
- Are made with the intention of deceiving or misleading
- Are made with a bad intention or an ulterior motive

A complaint may also be dismissed if the complainant fails to:

- Cannot be reached
- Will not be involved in the facilitation process

The deputy registrar will notify the complainant of their dismissal by sending a letter to their last known address.

If a complaint is dismissed because the complainant cannot be reached or no longer wishes to proceed with facilitation, other processes related to the complaint, such as an investigation, inspection, or licence revocation, may still be carried out.

❖ A PASSAGE FROM THE PSISA

The Registrar may receive a complaint from any person alleging that a licensee has breached the code of conduct established under the regulations or alleging that a licensee has failed to comply with this Act or the regulations or has breached a condition of a license. 2005, c. 34, s. 19 (1).

Penalties If Found Guilty of An Act Offense

If it is determined that someone or anything violated the Private Security and Investigative Services Act, there will be consequences. In addition, this covers transgressions of the act's rules and code of behavior.

A fine of no more than \$25,000, a period of incarceration of no more than one year, or both are possible penalties for an Individual found guilty of a violation of the Act. Every company found guilty of a violation of the Act is subject to a fine of no more than \$250,000.



- Launch an investigation into the complaint
- Refer Code of Conduct complaints to an independent facilitator
- Suspend a license
- Attach special conditions to a license
- Revoke a license

AUTHORITY TO ACT AS A SECURITY GUARD

Canadian law establishes the authority of security guards. Security guards need to be fully aware of how their authority comes into being in order to act with confidence and carry out their responsibilities and powers appropriately.

Canadian law recognises the right of property owners to protect and regulate the use of their property. Additionally, property managers and owners are required by law to take reasonable precautions to maintain safety on their properties. If people are hurt or injured as a result of your failure to comply, you may be charged with negligence.

Security guards are the designated representatives of owners and/or management. On behalf of the owners, they regulate the legal use of property and safeguard it. When necessary, they protect lives and property by enforcing the organization's rules, policies, and procedures.

Security guards are morally and legally obligated to uphold a safe, secure, and orderly environment as representatives of building owners and managers. They are tasked with the responsibility of upholding the rules and regulations established by the property owner/manager, despite having no more authority than regular citizens.

The courts have the authority to hold security guards civilly liable for failing to maintain safety. Legally speaking, security guards are required to uphold a safe, secure, and organised environment in addition to enforcing rules and regulations.

The PSISA act gives security guards the authority to act in that capacity. They have the right to represent management in the manner just mentioned, provided they are authorised to work as security guards and are employed by a registered or licenced agency. Along with other items permitted by the PSISA, their licences, uniforms, and other outward symbols of that authority include those items.