

The Private Security and Investigative Services Act, 2005

Important information for security guards, private investigators and businesses

The Private Security and Investigative Services Act, 2005

On August 23, 2007, the Private Security and Investigative Services Act, 2005 came into effect. The new law requires private security industry workers to be licensed, including some that were not licensed previously.

New licensing provisions allow security guards and private investigators to change employers without having to be re-licensed. Changes include standards for uniforms, equipment, vehicles, conduct, licence eligibility, agency documentation/record keeping requirements, business registration, insurance, use of animals, term of validity and exemptions. These changes are being made to professionalize the security guard and private investigator industries and to increase public safety.

Some of the changes were phased in. For example, a two-year transition period was provided for the Uniforms and Vehicles regulations. The Insurance and Registration Requirements for Business Entities regulations came into effect on August 23, 2008.

The act and its regulations are available at www.ontario.ca/private-security.

Individual Licensees

Highlights of the Act include:

Licences - Individuals are responsible for their own licence. Employers no longer act as sponsors. This important change means that once licensed, employees can change employers or obtain additional employment with another security firm without having to be re-licensed.

To obtain a licence, an applicant must be 18 years of age or older, be eligible to work in Canada and have a clean criminal record as prescribed in regulation. Licences are valid for one year.

Applications are available at www.ontario.ca/private-security.

Criminal Record Checks - All applicants are required to undergo a criminal record check prior to being granted a licence and upon annual renewal. Individuals convicted of offences, as set out in the Clean Criminal Record regulation, will be prevented from obtaining a licence if a pardon has not been granted.

Code of Conduct - The law sets new standards for professional conduct and demeanour for all licensed individuals and businesses. For example, racism, discrimination and the use of unnecessary force will not be tolerated. Licensees are expected to conduct themselves in an honest and respectful manner at all times.

Licensed Agencies

A number of changes and enhancements outlined in the new Act and its regulations affect licensed security guard and private investigator agencies.

Highlights of the Act include:

Individual Licensing - The new Act requires that all agencies be licensed on an annual basis. The major difference in the new legislation is that individual licensees are responsible for their own licences. Employers continue to be responsible for ensuring that the security guards and private investigators that they employ are licensed.

Standards - Through regulation, the Act sets out standards for uniforms, equipment, vehicles, conduct, licence eligibility, recordkeeping requirements, business registration, insurance, use of animals, licence term of validity and exemptions. For more information, visit www.ontario.ca/private-security.

Businesses with In-House Security

All in-house security personnel are now required to be licensed. Businesses that directly employ security guards or private investigators are now required to register annually with the Private Security and Investigative Services Branch.

This may include retail outlets, bars, hotels, manufacturers, commercial office towers and condominiums.

Registered businesses are required to ensure that their security and investigative personnel are licensed. If a business employs security staff through a licensed agency, it does not need to register.

Registration forms are available at www.ontario.ca/private-security or by contacting the Private Security and Investigative Services Branch.

For more information, please contact:

**Private Security and Investigative Services Branch
Ministry of Community Safety and Correctional Services
777 Bay Street, 3rd Floor
Toronto ON M7A 2J6
Telephone: 416-212-1650
Toll Free: 1-866-767-7454
Fax: 416-326-0034**

www.ontario.ca/private-security

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