



Security Licensing Process and Licence Conditions Policies

Table of Contents

Table of Contents.....1-4

Policy Updates5

Section 1

 Section 1.1 How to use the Policies6

 Section 1.2 How the Policies are Organized6

 Section 1.3 Role of the Registrar7

 Section 1.4 Function of Policy7

Section 2

 Section 2.1 Introduction9

 Section 2.2 Licensing Exceptions – Individuals..... 10

 2.2.1 Determining whether security work is incidental to primary work 10

 2.2.2 Determining whether an individual is a private investigator 11

 2.2.3 Out-of-province private investigators..... 12

 2.2.4 Services to prevent the loss of property – Determining whether an individual is performing the services of a security guard..... 13

 2.2.5 Door security – Determining whether an individual is performing the services of a security guard..... 14

 2.2.6 Housesitters – Determining whether an individual is performing the services of a security guard..... 15

 2.2.7 Pre-installation wiring – Determining the need for a security alarm installer licence 16

 Section 2.3 Licensing Exceptions – Businesses 17

 2.3.1 Determining employment status 17

 2.3.2 Branch Offices 18

| | | |
|-------------|---|----|
| Section 2.4 | Applications..... | 19 |
| 2.4.1 | Requirements for photographs | 19 |
| 2.4.2 | Individuals who can control a business entity applicant..... | 20 |
| 2.4.3 | Licence Type Table | 21 |
| Section 2.5 | Eligibility and Suitability for a Licence | 22 |
| 2.5.1 | Definition of ordinarily resident | 22 |
| 2.5.2 | Eligibility to work in Canada..... | 23 |
| 2.5.3 | Information checks of applicants | 23 |
| 2.5.4 | Issuing licences to peace officers / police officers | 24 |
| Section 2.6 | Qualifications for a Licence | 26 |
| 2.6.1 | English fluency requirements | 26 |
| 2.6.2 | Training and experience requirements for private investigators | 27 |
| 2.6.3 | Training and experience requirements for locksmiths..... | 29 |
| 2.6.4 | Training and experience requirements for alarm service installers..... | 30 |
| 2.6.5 | Training and experience requirements for security consultants..... | 30 |
| 2.6.6 | Training requirements for Security Guards | 31 |
| Section 2.7 | Changes to a Licence or Licensee | 33 |
| 2.7.1 | Security worker licence changes | 33 |
| 2.7.2 | Security business licence changes that involve no change in ownership or management of the security business or the licensee | 34 |
| 2.7.3 | Security business licence changes that involve a change in ownership of the security business..... | 35 |
| 2.7.4 | Security business licence changes that involve a change in management of the security business..... | 36 |
| 2.7.5 | Security business licence changes that involve a change in ownership or management of the business entity holding the licence | 36 |

| | | |
|------------------|---|----|
| Section 2.8 | Hearings..... | 38 |
| 2.8.1 | Hearing formats | 38 |
| 2.8.2 | Notice of Administrative Hearing | 38 |
| 2.8.3 | Representatives | 39 |
| 2.8.4 | Recordings..... | 40 |
| 2.8.5 | Decisions | 40 |
| Section 3 | | |
| Section 3.1 | Introduction | 42 |
| Section 3.2 | Code of Conduct..... | 43 |
| 3.2.1 | Code of Conduct for Security Workers..... | 43 |
| 3.2.2 | Code of Conduct for Security Businesses..... | 44 |
| Section 3.3 | Restraining Devices..... | 46 |
| 3.3.1 | Types of security workers who can obtain an authorization | 46 |
| 3.3.2 | Qualifications | 46 |
| 3.3.3 | Approved restraining devices | 48 |
| 3.3.4 | Re-qualification requirements..... | 48 |
| Section 3.4 | Firearms..... | 49 |
| 3.4.1 | Security worker application requirements | 50 |
| 3.4.2 | Security worker licence conditions | 50 |
| 3.4.3 | Security business application requirements | 52 |
| 3.4.4 | Security business licence conditions | 52 |
| Section 3.5 | Dogs..... | 54 |
| 3.5.1 | Security business qualifications..... | 54 |
| 3.5.2 | Security worker qualifications | 55 |
| 3.5.3 | Re-qualification | 56 |

| | | |
|-------------|---|----|
| Section 3.6 | Supervision Requirements | 57 |
| 3.6.1 | Supervision requirements for locksmiths..... | 57 |
| 3.6.2 | Supervision requirements for private investigators | 58 |
| 3.6.3 | Supervision requirements for security alarm installers..... | 59 |
| 3.6.4 | Supervision requirements for security guards | 59 |
| Section 3.7 | Other Conditions | 61 |
| 3.7.1 | Working as a peace officer | 61 |
| 3.7.2 | Recording use-of-force events | 61 |
| 3.7.3 | Branch office records..... | 62 |
| 3.7.4 | Conditions for individuals with medical conditions | 62 |
| 3.7.5 | Flashing lights | 63 |
| 3.7.6 | Requirement, while on duty, to produce a Security Worker Licence when requested by a member of the general public with respect to armoured car guards or doorpersons at licensed liquor establishments | 64 |
| 3.7.7 | Markings and accessories of security guard vehicles | 65 |

Policy Updates

| | | |
|------------------------------|--|-----------------------------------|
| 2.5.4.1 & .2 | Issuing licences to peace officers | N/A |
| 2.6.2 | Training and experience requirements for private investigators and private investigator under supervision | N/A |
| 2.6.6 | Training requirements for Security Guards | N/A |
| 3.3.2.4 & 3.3.2.5 | Restraining Devices | N/A |
| 3.7.5 | Flashing Lights | N/A |
| 3.7.7 | Markings and accessories of security guard vehicles | N/A |
| 2.7.2 & 2.3.2 | “Doing business as” Names | June 27th, 2018 |

Section 1.1 – How to Use the Policies

[Table of Contents](#)

The document holds the licensing-related policies of the Registrar of Security Services (the registrar). These policies were developed to coincide with the *Security Services Act* (enacted September 1, 2008) and replace all previous policies issued by the registrar under the *Private Investigators and Security Agencies Act*.

The policies are compiled in this document for use by Security Programs Division (SPD) staff but may also be used as a reference document by licensees and other agencies.

The policies refer throughout to the *Security Services Act* (the Act) and *Security Services Regulation* (the regulations), but it does not duplicate the provisions from those documents. This means that anyone who wishes to refer to these policies should also review the provisions of the Act and the regulations for a comprehensive understanding of licensing requirements and responsibilities.

Section 1.2 – How the Policies are Organized

[Table of Contents](#)

The policies are divided in three sections:

- | | |
|-----------|--|
| Section 1 | background information on the role of the registrar and the function of policy in regards to the work of a regulatory body. |
| Section 2 | the policies relating to the licensing process – whether a licence is required and documents required as part of a licence application. |
| Section 3 | the policies relating to licence conditions that have been, or may be, imposed by the registrar. This section also holds policies relating to qualifications and applications for authorizations that allow the use of restraining devices, firearms and dogs (note: policies for restraining devices, firearms and dogs are still under development). |

Each policy is presented in the same way, in the following order:

- Section and major subsection number – Title (e.g. Section 2.2 – Licensing Exemptions)
 - “*Introduction*” – describes the nature of the policies found under that major subsection.
 - “*Policies*” – presents a series of numbered policy statements, organized by topic.
 - “*Rationale*” – is the explanation of the policy statement being presented.
 - The reference to the section of the Act and/or regulations that provides the authority for the policy statements is also included under each topic heading.
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Section 1.3 – Role of the Registrar

[Table of Contents](#)

The Registrar of Security Services (the registrar) is appointed by the Minister under section 49 of the Act. A number of powers and responsibilities are imposed on the registrar under the Act, including:

- the power to issue licences
- the power to impose conditions on licences
- the power to set the form and manner of applications
- the responsibility for dealing with complaints, and
- the power to take enforcement action against a licensee.

The registrar has developed the policies outlined in this document to assist the registrar in exercising these powers and responsibilities.

Section 1.4 – Function of Policy

[Table of Contents](#)

Policy plays an important role in the work of a regulatory body. To understand this role, SPD staff need to be familiar with the relationship between the *Security Services Act*, *Security Services Regulations* and SPD policy.

The primary statement of law is written in legislation. Legislation provides “hard rules” that must be followed without exception or the exercise of discretion. Because legislation sets out hard rules, it is broadly written. The finer points of law are set out in regulation and policy. This allows for greater flexibility and, in the case of policy, the exercise of some discretion.

The *Security Services Act* is a broad statement or expression of laws regulating the security industry. The *Security Services Regulation* fills in some of the details of the legislation. Like legislation, regulations are law. However, they are subordinate legislation made under the authority of the statute. This means there must be authority in the legislation for a regulation. An advantage of regulations over legislation is that they are easier to change or repeal. By amending regulations, the government can adapt quickly to changing program needs and operational issues.

Policy is the next step in filling in the details of legislation. It is an important aspect of the work of all regulatory bodies. Policy, unlike legislation and regulations, is not passed by the government but developed and approved by the registrar. As the needs of stakeholders and government shift, the registrar can respond quickly by reviewing policy with major stakeholders and amending it when necessary.

Policy provides guidelines that direct the actions of SPD staff in applying legislation and regulations. Without policy, a regulatory body could not make consistent and equitable decisions regarding the groups it regulates. Regulatory bodies need standards and principles to provide a framework for the exercise of their discretionary powers. If there are no criteria to

guide decisions, the decisions will be arbitrary and, over time, inconsistent. The development of criteria through policy structures decisions and the exercise of discretion.

Policy does not set out “hard rules”. When making a licensing decision, the registrar will consider the legislation, regulations, policy and the circumstances of the situation. Some situations require that the registrar exercise discretion and act in a manner different than that expressed in policy. This is one of the advantages of policy. It can be flexible in a situation when warranted. Unlike legislation that may require one course of action, the registrar can exercise discretion and move outside of policy to ensure that the law is upheld and all parties are treated fairly. Policy is generally binding on program operations and will generally be upheld by a judicial or quasi-judicial body.

Section 2.1 – Introduction

[Table of Contents](#)

The Act authorizes the registrar to issue:

- security worker licences to individuals who wish to engage in security work, and
- security business licences to individuals or business entities who wish to carry on a security business.

Section 15 of the regulations prescribe 15 different types of security worker licence and 11 different types of security business licence, along with the nature and extent of security work that can be provided under each. The registrar may also issue licences that combine different worker or business licence types.

The licensing process allows the registrar to determine whether an individual or business entity meets all the conditions, qualifications and requirements for the particular licence type applied for. For some individuals or business entities, the licensing process also will include a preliminary step that includes a review of whether licensing is, in fact, required.

This part of the manual outlines policies relating to the licensing process, organized in sections that reflect the various steps or decision points in the process. This part also contains policies relating to various licence or licensee changes that may occur after licensing. The final section in this part details policies relating to licensing hearings.

Section 2.2 – Licensing Exceptions - Individuals

[Table of Contents](#)

Introduction

There are six kinds of security work defined in the Act. If an individual performs security work, that individual will need a licence unless they are exempt under the regulations or the security work they are performing is incidental to the individual's primary work. Section 2 of the regulations sets out a list of individuals who are exempt and do not require a security licence.

Section 1 of the Act defines the six kinds of security work. In some situations, it may be difficult to determine whether the services an individual provides fall within one of the six defined kinds of security work. The policies outlined in this section assist the registrar to determine whether an individual requires a security worker licence in order to work.

Policies

2.2.1 Determining whether security work is incidental to primary work

Rationale

Individuals may have some job duties that fall within the defined kinds of security work, even though security work is not their primary job responsibility. For example, a change room attendant who monitors the number of garments taken into a fitting room is likely performing services to prevent the loss of property. However, it is not necessary for change room attendants to be licensed as security guards, because their primary function is not security. In recognition of this, section 2(c) of the Act provides that an individual does not need to hold a security licence if the registrar determines that the security work in which the individual is engaged is incidental to the individual's primary work. The factors the registrar will consider when deciding whether the security work is incidental are set out in this policy.

Policy

2.2.1.1 An individual may engage in security work without a licence if the registrar determines that the security work in question is incidental to the individual's primary work.

2.2.1.2 In order to be incidental to an individual's primary work, the security work in question:

- (a) cannot be the primary work
- (b) must be meaningfully connected to the primary work
- (c) must be subordinate to the primary work, and
- (d) must relate to carrying out the function of the primary work.

- 2.2.1.3 The registrar will consider a variety of factors relating to the work of the individual when determining whether the work is incidental including:
- (a) the individual's job title
 - (b) the individual's job description
 - (c) the nature of the primary work of the individual
 - (d) the nature of the security work of the individual
 - (e) knowledge base required for the primary work
 - (f) whether and how the primary work and security work are related or connected
 - (g) the percentage of time the individual spends on the security work
 - (h) the frequency of the security work, e.g. every day or on occasion
 - (i) whether other individuals engaged in the same type of primary work are engaged in similar security work to the same extent, and
 - (j) whether it is reasonable to expect the individual would engage in that type of security work when carrying out his or her primary work.

[*Security Services Act*, section 2(c)]

2.2.2 Determining whether an individual is a private investigator

Rationale

The definition of private investigator in section 1 of the Act is very broad. It may, for example, be interpreted to include the work of individuals who audit computer hard drives to collect information for the purposes of an employment or criminal matter. Generally, these individuals do not engage in other aspects of the services provided by private investigators. There is no need for these individuals to take courses in criminal and civil law as the risk to public safety and privacy resulting from their work is minimal. Consequently, there is no need to licence these individuals as private investigators. This policy outlines the factors the registrar will consider in determining whether an individual requires a private investigator licence.

Policy

- 2.2.2.1 The registrar will consider the nature of the work an individual is, or may be, engaged in when determining whether that individual “seeks or obtains information” in a manner that requires a private investigator licence.
- 2.2.2.2 The following factors are relevant to the nature of the work and may be considered by the registrar:
- (a) the individual's job title
 - (b) the individual's job description
 - (c) whether the individual will be utilizing a variety of techniques in order to seek and obtain information

- (d) whether the techniques the individual will be utilizing to seek and obtain information have the potential for negatively impacting on another individual's personal or property rights
- (e) whether the individual will be seeking and obtaining information without the express or implied consent of the individual or organization being investigated
- (f) whether the individual will be seeking and obtaining information from a source under the care and custody of the individual or organization requesting the investigation, and
- (g) whether it is reasonable to expect that an individual engaged in that type of work possess knowledge and experience in areas such as:
 - criminal law
 - civil law and process
 - human rights legislation
 - information and privacy legislation
 - evidence recognition, presentation and protocols
 - interviewing techniques
 - report writing
 - documentary research (electronic and hard copy), and
 - surveillance techniques.

[*Security Services Act*, sections 1 and 2]

2.2.3 Out-of-province private investigators

Rationale

Under section 10 of the Act, an out-of-province private investigator may apply to the registrar for a short-term licensing exemption to conduct an investigation in B.C. The registrar may grant the exemption if the private investigator is a private investigator licensed in a jurisdiction outside of B.C. and enters B.C. solely for the purpose of conducting or continuing an investigation on behalf of an employer or client outside B.C.

Policy

- 2.2.3.1 The registrar may grant an exemption from licensing to a private investigator who:
 - (a) is licensed or registered as a private investigator in a jurisdiction outside of B.C., and
 - (b) enters B.C. solely for the purpose of conducting or continuing an investigation on behalf of an employer or client outside B.C.
- 2.2.3.2 An out-of-province private investigator applying for a licensing exemption under section 10 of the Act must provide the following information to the registrar prior to entering B.C. to conduct the investigation:

- (a) a copy of the investigator's licence or registration issued by their jurisdiction of residence
- (b) details of where the investigation originated
- (c) details of the nature of the investigation
- (d) details of the work being undertaken
- (e) the dates during which the investigator will be conducting the investigation in B.C.
- (f) the location(s) where the investigation will be conducted in B.C., and
- (g) the investigator's contact information.

2.2.3.3 If the exemption is approved, the registrar will send a written approval to the investigator that outlines:

- (a) the period of time of the exemption
- (b) the purpose for which the exemption is granted, and
- (c) the location(s) for which the exemption is granted.

2.2.3.4 The investigator must carry a copy of the written approval while conducting the investigation and produce it upon request to a peace officer, inspector or any other person to whom the investigator holds himself or herself out to be a private investigator.

[*Security Services Act*, section 10]

2.2.4 Services to prevent the loss of property - Determining whether an individual is performing the services of a security guard

Rationale

The definition of security guard services in section 1 of the Act includes an individual who performs services to prevent the loss of property? This term is broad. It may, for example, be interpreted to include the "greeters" at a retail store. Generally, these individuals do not engage in other aspects of the services provided by a security guard and the risk to public safety and privacy resulting from their work is minimal. Consequently, there is no need to licence these individuals as security guards. This policy outlines the factors the registrar will consider in determining whether an individual requires a security guard licence.

Policy

- 2.2.4.1 The registrar will consider the nature of the work an individual is, or may be, engaged in when determining whether that individual performs services to prevent the loss of property in a manner that requires a security guard worker licence.
- 2.2.4.2 The following factors are relevant to the nature of the work and may be considered by the registrar:

- (a) the individual's job title
- (b) the individual's job description
- (c) whether the individual provides surveillance of his or her employer's property in order to prevent damage or theft
- (d) whether the individual will be expected to apprehend persons suspected of criminal activity on his or her employer's premises, and/or
- (e) whether it is reasonable to expect that an individual engaged in that type of work possess knowledge and experience in such areas as:
 - legal rights and responsibilities relating to private security
 - communication skills and strategies
 - personal safety, and
 - control tactics and use of force.

[*Security Services Act*, section 1]

2.2.5 Door security - Determining whether an individual is performing the services of a security guard

Rationale

The definition of security guard services in section 1 of the Act includes an individual who provides door security at an establishment licensed under the *Liquor Control and Licensing Act*. Although individuals providing door security commonly check identification of persons entering an establishment, and ensure that the number of persons within the establishment doesn't exceed the maximum allowed capacity, these are not duties that are restricted to individuals providing door security. For example, servers and bartenders must ask for identification from persons ordering liquor in the establishment. If a server, bartender or individual checking identification or maintaining capacity is not expected to perform other tasks associated with the security of the establishment, that individual is not providing a security guard service. Consequently, these individuals are not security guards and do not need to be licensed under the Act. This policy outlines the factors the registrar will consider in determining whether an individual requires a security guard licence.

Policy

- 2.2.5.1 The registrar will consider the responsibilities of the individual and the nature of the work the individual is, or may be, engaged in when determining whether the individual "provides door security" at a licensed establishment.
- 2.2.5.2 The following factors are relevant to the nature of the work and may be considered by the registrar:
 - (a) the job description
 - (b) whether the individual will be responsible for preventing the entrance into the establishment of persons exhibiting aggressive or unruly behaviour, or persons carrying a weapon or drugs

- (c) whether the individual will be responsible for removing, through means of persuasion or otherwise, persons who become unruly, aggressive or who present a safety risk to others in the establishment
- (d) whether the individual will be expected to use reasonable force in maintaining security at or near the door or within the establishment, and/or
- (e) whether the services the individual will be providing have the potential for impacting on the personal or property rights of individuals.

2.2.5.3 In the absence of other job duties associated with security at an establishment, the fact that an individual is responsible for checking identification and/or maintaining capacity does not mean that the individual is providing door security. In most instances, servers and bartenders will not be considered to be providing door security.

2.2.5.4 If a server or bartender is required to perform other tasks associated with security at an establishment, the server or bartender may require a security guard worker licence.

2.2.5.5 Volunteer – as per Section 2(1)(d) of the Security Services Regulation individuals who volunteer as door security (paid or unpaid) at an establishment licensed under the Liquor Control and Licence Act or an event where a Special Occasion Licence has been issued by the Liquor Control and Licensing Branch, must be in possession of a valid security guard licence or a security guard under supervision licence (see section 2.6.6 of the Security licensing Process and Licence Conditions Policies Manual for the requirements for a security guard or security guard under supervision).

[*Security Services Act*, section 1]

2.2.6 Housesitters - Determining whether an individual is performing the services of a security guard

Rationale

Section 2(d) of the regulations makes it clear that persons who perform security work for no consideration are exempt from licensing requirements. So long as an individual is not paid for watching the property or pets in the owner's absence, a housesitter does not require licensing.

Policy

- 2.2.6.1 A housesitter is an individual, who for no remuneration or fee, resides in or visits a private residence for the purpose of maintaining the property or pets.
- 2.2.6.2 Housesitters do not need to be licensed under the Act.

- 2.2.6.3 An individual, who, for remuneration or fee, attends, watches or enters a residential property or business location as directed by the owner, is performing a watch of property and must hold a valid security guard worker licence.

[*Security Services Act*, sections 1 and 2; *Security Services Regulations*, section 2(1) (d)]

2.2.7 Pre-installation wiring – Determining the need for a security alarm installer license

Rationale

It is not unusual for an electrician to prepare the wiring for an alarm system when setting the wiring for a building. An electrician does not need to be licensed under the Act provided that the electrician does not connect or install any alarm components.

Policy

- 2.2.7.1 An individual may perform pre-installation wiring for a hard wired security alarm system without a security worker licence, so long as the individual does not connect or install any alarm components.
- 2.2.7.2 Connection or installation of alarm components may only be performed by an individual with a security alarm installer or security alarm installer under supervision licence.
- 2.2.7.3 Alarm components include:
- (a) window and door sensors
 - (b) motion detectors
 - (c) sound detectors
 - (d) control panels, and
 - (e) any other devices that activate alarms.

[*Security Services Act*, sections 1 and 2]

Section 2.3 – Licensing Exceptions - Businesses

[Table of Contents](#)

Introduction

A person can not:

- carry on a security business
 - hold themselves out as carrying on a security business, or
 - solicit or procure for others the services of a security business,
- unless the person holds a valid security business licence for that kind of security work or is exempted under the regulations. The policies outlined in this section assist the registrar to determine whether a person requires a security business licence.

Policies

2.3.1 Determining employment status

Rationale

For licensing purposes, it matters whether an individual engaged in security work is an employee or a self-employed contractor. An employee only requires a security worker licence in order to engage in security work. A self-employed contractor requires a security worker licence in order to engage in security work, but also requires a security business licence in order to carry on his or her security business. In order to determine employment status, the registrar uses the same criteria that are used by the Canada Revenue Agency. Further explanation of these criteria can be found in the Canada Revenue Agency publication entitled “Employee or Self Employed?” at:

www.cra-arc.gc.ca/E/pub/tg/rc4110/

Policy

- 2.3.1.1 An individual who is a self-employed contractor is carrying on a security business and requires a security business licence.
- 2.3.1.2 The registrar may consider the following factors when determining whether an individual is an employee or a self-employed contractor:
- (a) the level of control exercised over the individual
 - (b) whether or not the individual provides his or her own tools and equipment
 - (c) whether the individual can subcontract the work or hire other security workers
 - (d) the degree of financial risk taken by the individual
 - (e) the degree of responsibility for investment and management held by the individual
 - (f) the individual's opportunity for profit, and/or
 - (g) any other relevant factors, such as written contracts.

[*Security Services Act*, section 11]

2.3.2 Branch offices

Rationale

In recognition of the fact that a security business may operate out of a number of locations, section 17(2) of the Act authorizes the registrar to issue duplicate branch office security business licences so that each authorized location is able to post a valid licence. This policy outlines the considerations that the registrar uses to determine whether a separate location is a branch office or an independent security business that requires its own licence.

Policy

2.3.2.1 A licensed security business may operate out of multiple locations under a single security business licence, so long as each location meets the criteria for a branch office and each location is listed on the licence. In order to be considered a branch office, each location must:

- (a) operate under the same business name as the security business licensee
- (b) have a manager who is responsible for the day-to-day supervision of licensed security workers at that location and is at least 19 years of age
- (c) be under the direct control of the security business licensee in areas such as payroll, administration and operating policy and procedures, and
- (d) be covered under the security business licensee's general liability insurance policy.

2.3.2.2 A location that is owned by a different person and/or operates under a different security business name or business entity, or as an independent division which is not under the direct control of a licensed security business in areas such as payroll, administration and operating policy and procedures nor covered by the security business licensee's general liability insurance, is not a branch office and must obtain its own security business licence.

[*Security Services Act*, section 17]

Section 2.4 - Applications

[Table of Contents](#)

Introduction

Sections 3(3)(a) and 12(2)(a) of the Act indicate that licence applications must be in the form and manner required by the registrar. Although section 4 of the regulations provides a list of the information that must be provided in an application, the regulations do not provide detailed direction to applicants on the information and documents that must be provided with their application packages. The policies included in this section provide those details for two key components of licence applications:

- photographs, and
- statements disclosing the identity of individuals who control or who are able to control a business entity applicant.

Policies

2.4.1 Requirements for photographs

Rationale

Security worker licences must include a clear and recent photograph of the licensee so that members of the public and SPD staff can confirm that the licence belongs to the licence holder.

Policy

- 2.4.1.1 An applicant for a new security worker licence must submit a passport quality photograph taken within the last twelve months. The photograph must clearly show a front view of the full face of the applicant.
- 2.4.1.2 An applicant for renewal of a security worker licence must provide a new photograph if the applicant's current licence photograph is more than five years old, or if requested to do so by the registrar.

[*Security Services Act*, section 3(3)(a); *Security Services Regulations*, section 4(1)(c)]

2.4.2 Individuals who can control a business entity applicant

Rationale

Section 13 of the Act provides that a business entity applying for a licence must file with the registrar a statement disclosing the identity of the individuals who control or who are able to control the business entity. Under section 4 of the regulations, the applicant must provide particulars respecting these individuals' identities, locations, criminal charges and convictions and any mental conditions for which they have received treatment. The applicant must also indicate whether these individuals are peace officers or whether they hold or have previously held a licence. This information is necessary so that the registrar can assess the suitability for licensing of all individuals who may have control over the operation of the security business.

Policy

- 2.4.2.1 For the purposes of section 13 of the Act, individuals who control or who are able to control a business entity include:
- (a) every director and every senior officer, as defined in the *Business Corporations Act*
 - (b) every director as defined in the *Society Act*
 - (c) every partner in a partnership, as defined in the *Partnership Act*
 - (d) every person who holds shares of a corporation carrying more than 30% of the votes for the election of directors
 - (e) if a person referred to in paragraph (d) holds the shares in trust, the person for whom they are held beneficially
 - (f) if a person referred to in (d) or (e) is a corporation, the same information about the corporation as is required about the corporation filing the application for a licence, and
 - (g) any other individuals who the registrar determines control or are able to control the business entity.

[*Security Services Act*, section 13; *Security Services Regulations*, section 4(2)(c)]

- 2.4.2.2 Controlling members residing outside of Canada must provide two pieces of identification, sign the Authorization form for a criminal record check and the business entity must have an office location in British Columbia with an appointed manager.

[*Security Services Act*, section 14(2)]

2.4.3 Licence Type Table

Rationale

There are 15 types of security services that a security worker can performed. However, certain types of services are inclusive and only one type of licence will be displayed on the security worker licence.

Policy

2.4.3.1 The chart below describes how a licence will be issued:

| Type of Licence Requested | Includes the following types of security services | | | | | | |
|--|---|-------|---------|----------|------|------|-----------|
| | Alarm Installations | Sales | Monitor | Response | CCTV | ELDI | Locksmith |
| Security Alarm Installer | X | X | X | X | X | X | |
| Security Alarm installer under supervision | X | X | X | X | X | X | |
| Security Alarm Sales | | X | | | | | |
| Security Alarm Monitor | | | X | | | | |
| Security Alarm Response | | | X | X | | | |
| Close Circuit Television Installer (CCTV) | | | | | X | | |
| Electronic Locking Device Installer (ELDI) | | | | | | X | |
| Locksmith | | | | | | X | X |
| Locksmith under supervision | | | | | | X | X |
| Security Guard | | | X | X | | | |
| Security Guard under supervision | | | X | X | | | |
| Private Investigator | | | | | | | |
| Private Investigator under supervision | | | | | | | |
| Security Consultant | | | | | | | |
| Armoured Car Guard | | | | | | | |

Section 2.5 – Eligibility and Suitability for a Licence

[Table of Contents](#)

Introduction

A person must meet a variety of requirements to be issued a licence. Some are basic eligibility requirements, such as age and residency. Others relate to whether an individual is suitable for licensing. This section of the manual presents the policies that assist the registrar in determining eligibility and suitability of an applicant for a licence.

Policies

2.5.1 Definition of ordinarily resident

Rationale

Under section 3(2) and 15(2) of the Act, an individual applicant is not eligible for a business or worker licence unless the individual is “ordinarily resident” in Canada. This policy outlines how the registrar interprets that term and the factors that the registrar will consider to determine whether or not an applicant is ordinarily resident in Canada. The policy promotes employment opportunities in the security industry for students and individuals who are in Canada temporarily on work permits or visas, while ensuring that only those individuals who actually reside in Canada are issued licences.

Policy

- 2.5.1.1 An individual is ordinarily resident in Canada if the individual, in the settled routine of his or her life, regularly, normally or customarily lives in Canada. To be ordinarily resident in Canada, an individual does not need to be permanently settled in Canada, but needs to be settled in Canada for the time being.
- 2.5.1.2 To determine whether or not an individual is ordinarily resident in Canada, the registrar may consider a variety of factors, including:
- (a) the individual’s citizenship
 - (b) the individual’s residence status
 - (c) whether the individual has a residential address in Canada
 - (d) whether the individual has a residential address in another country, and/or
 - (e) any other relevant information that would indicate whether or not the individual has settled in Canada for the time being (e.g., whether or not the individual’s spouse and family is residing in Canada).

[*Security Services Act*, sections 3(2)(a) and 14(1)(a)]

2.5.2 Eligibility to work in Canada

Rationale

In order to legally work in Canada, an individual must be a citizen, permanent resident, or holder of a work or study permit that allows them to perform that work. For example, a work permit may include a variety of conditions that restrict the type of work an individual can do or the employer an individual can work for.

Policy

- 2.5.2.1 The registrar will not issue a security worker licence to an individual who is not legally entitled to perform security work in Canada.
- 2.5.2.2 If an applicant was not born in Canada, the applicant must submit legible copies of both the front and back of the following documents as proof of Canadian citizenship or residence status:
- (a) Record of Landing Document (IMM1000)
 - (b) Confirmation of Permanent Residence Document (IMM5292)
 - (c) Permanent Residence Card, or
 - (d) Citizenship Certificate Card.
- 2.5.2.3 If an applicant is not a citizen or permanent resident of Canada, the applicant must provide proof that he or she is legally entitled to work as a security worker in Canada. Depending upon the type of work allowed under an applicant's work or study permit, the registrar may place a condition on the licence that restricts the security work that the licensee can perform.

[*Security Services Act*, sections 3(2)(a) and 12(2)(a); *Security Services Regulations*, section 4(1)(a)]

2.5.3 Information checks of applicants

Rationale

Under section 4(1) and 15(1) of the Act, the registrar may refuse to issue or renew a security worker or security business licence for a variety of reasons related to suitability. These include where the applicant's conduct makes it undesirable that he or she be licensed, or where the applicant has been convicted of, or charged with, a crime. In order to determine this, the registrar must be able to gather information about an applicant's conduct and criminal record. In the case of business entity applicants, this must include the ability to gather information about the individuals who are able to control the business entity.

Policy

- 2.5.3.1 To assess suitability for licensing, the registrar will perform and review the results of a criminal record check, police information check and correctional service information check of:
- (a) all individuals who apply for the issuance or renewal of a security worker licence, and
 - (b) all individuals who control or are able to control a business entity that is applying for the issuance or renewal of a security business licence.
- 2.5.3.2 The registrar may refuse to issue a licence if an individual does not consent to these checks.

[*Security Services Act*, sections 4(1), 13, 15(1) and 15 (2); *Security Services Regulations*, section 5]

2.5.4 Issuing licences to peace officers**Rationale**

The Act allows the registrar to refuse to issue or renew a licence to a person who is a peace officer. Persons holding peace officer appointments may have direct or indirect access to confidential personal information. This may create a conflict of interest if the peace officer is employed as a security worker or carries on a security business. The role and duties of a police officer are very different from that of a privately hired security worker. A police officer working during off-hours as a security worker may find that her or his duties as a police officer conflict with the role of a security worker. Consequently, a member of a BC police force will not be issued a security worker or business licence.

Policy

- 2.5.4.1 A security worker or security business licence will not be issued to a member of a police force, as defined in the BC *Police Act*.
- 2.5.4.2 A security worker or security business licence may be issued to:
- (a) a sheriff
 - (b) a corrections officer, or
 - (c) a court bailiff
 - (d) a special municipal constable or a special provincial constable as defined by the BC Police Act
 - (e) a volunteer auxiliary or reserve constable
- 2.5.4.3 The individual must submit with their application a letter from their supervisor confirming the access the individual has to any justice, court or police information systems (PRIME/PIRS/PROS/CPIC or other police or corrections database) and the individual
-

understands that they cannot utilize information from these systems while acting in the capacity of a security worker.

[*Security Services Act*, sections 4(1)(f) and 15(1)(f)]

Section 2.6 – Qualifications for a Licence

[Table of Contents](#)

Introduction

Security workers must possess the appropriate skills, training and/or experience to safely and properly perform the kind of security work they wish to be licensed for. The qualifications for each type of licence vary because of the technical skills required for the work and the possible impact on public safety of the work. The policies set out in this section assist the registrar in determining whether an individual meets the qualifications for a particular licence type.

Policies

2.6.1 English fluency requirements

Rationale

Some security workers may need to communicate with the police or other emergency services personnel while on the job. To ensure public safety, it is important that these workers have a sufficient level of English fluency. In order to establish a consistent and measurable level of English fluency for security workers, the registrar has adopted the standards used by the Canadian Language Benchmarks. The Canadian Language Benchmarks are the national standard used in Canada for describing, measuring and recognizing the second language proficiency of adult immigrants and prospective immigrants for living and working in Canada. The complete text of the standards can be found on the Centre for Canadian Language Benchmarks website at: http://www.language.ca/pdfs/clb_adults.pdf.

Policy

- 2.6.1.1 Individuals applying for the following types of security worker licences must have sufficient fluency in the English language to be able to converse in English with the public while carrying out their duties:
- (a) armoured car guard
 - (b) private investigator
 - (c) private investigator under supervision
 - (d) security alarm monitor
 - (e) security alarm response
 - (f) security guard, and
 - (g) security guard under supervision.
- 2.6.1.2 In order to be considered as having sufficient fluency in the English language to be able to converse with members of the public while carrying out his or her duties, an individual must meet, at a minimum, the standards for listening and speaking English established by Stage 2, Benchmark 5 of the Canadian Language Benchmarks 2000 developed by the Centre for Canadian Language
-

Benchmarks. An overview of Benchmark 5 can be found at be found on the Security Industry and Licensing website:
www.pssg.gov.bc.ca/securityindustry/shareddocs/clblevel5.pdf

- 2.6.1.3 Where fluency in English is in question, the registrar may ask an applicant or a licensee to submit a copy of the results of an English language proficiency assessment conducted by a certified Canadian Language Benchmark assessor. The applicant or licensee is responsible for paying the cost of the assessment.
- 2.6.1.4 In order to determine whether an English language proficiency assessment is required, the registrar will compare any information regarding the applicant or licensee's speaking and listening ability gathered from Security Program Division staff, or other sources, to the standards established by Benchmark 5. If the applicant or licensee's speaking and listening ability does not appear to meet the standards established by Benchmark 5, the registrar will ask the applicant or licensee to submit the results of an assessment.

[Security Services Regulation, section 3]

2.6.2 Training and experience requirements for private investigators and private investigators under supervision.

Licensing of private investigators provides the public with some assurance of initial and continuing professional or occupational competence. Licensing gives a member of the public a reasonable expectation that the private investigator he or she employs, or who investigates his or her behaviour, will not engage in trespass, theft, fraud, stalking, or other illegal or unethical conduct in the pursuit of an assignment.

To ensure that individuals applying for private investigator licence or private investigator under supervision licence are aware of their legal responsibilities and limitations, the registrar requires extensive training and/or on the job experience.

- 2.6.2.1 In order to be qualified for a **private investigator security worker licence**, an applicant must meet one of the following training and/or experience requirements:
- (a) two years of documented experience providing the services of a private investigator or private investigator under supervision, ending not more than five years prior to the date of the application, and successful completion of recognized courses in evidence gathering and presentation and in the aspects of criminal and civil law that are relevant to the work of a private investigator in B.C. or

- (b) ten years of experience performing general police duties in a Canadian police force and proof of registration in the Private Security Training Network on-line course, “Introduction to Private Investigation”, (course/exam must be completed within the first year of licensing) or
- (c) knowledge and experience equivalent to that which would be obtained under paragraph (a) above.

2.6.2.2 To demonstrate successful completion of courses in evidence gathering and presentation and in the aspects of criminal and civil law that are relevant to the work of a private investigator in B.C. as required in 2.6.2.1(a), an applicant must provide proof of completion of courses or knowledge in the areas of:

- (a) criminal law
 - (b) civil law and process
 - (c) human rights legislation
 - (d) information and privacy legislation
 - (e) evidence recognition, presentation and protocols
 - (f) interviewing techniques
 - (g) report writing
 - (h) documentary research (electronic and hard copy), and
 - (i) surveillance techniques
- or
- (j) completed one of the following recognized training courses noted below:
 - i) Private Security Training Network on-line course “ Introduction to Private Investigation” and final exam; or
 - ii) Focus Training Institute – Private Investigation course

2.6.2.3 If an applicant provided the services of a licensed private investigator or private investigator under supervision the applicant must provide:

- (a) proof of 2000 hours work experience ending no more than five years prior to the date of the application:
 - the names of employers
 - the names of supervising private investigator licensees
 - the dates of employment, and
 - the hours logged with each employer, and
 - (b) proof of the successful completion of the courses identified in 2.6.2.2 in the form of a diploma or report from the educational facility attended.
-

2.6.2.4 Training and experience requirements for a **private investigator under supervision licence**:

Individuals making application for a private investigator under supervision licence must meet one of the following requirements:

- (a) successful completion of the Private Security Training Network (PSTnetwork) on-line course “*Introduction to Private Investigation*” and proof of final exam completion
- or
- (b) proof of equivalent training noted in 2.6.2.2

[Security Services Regulations, section 15(3) (item 5)]

2.6.3 Training and experience requirements for locksmiths

Rationale

Locksmithing is a profession that requires technical knowledge and skill. The relevant knowledge and skills can be obtained in a variety of ways, including apprenticeship programs and locksmithing courses offered in B.C. or in other jurisdictions. The registrar also recognizes under supervision work experience in assessing an individual’s qualifications for a locksmith licence. This allows entry into the profession to those who learned outside of a formal apprenticeship program or locksmithing course.

Policy

2.6.3.1 An applicant for a locksmith security worker licence must hold a Locksmith Certificate of Qualification issued under the *Industry Training Authority Act* or the *Industry Training and Apprenticeship Act*, or provide:

- (a) proof of two years experience within the past five years in full time employment as a locksmith under the supervision of a locksmith security worker licensee and a letter of recommendation and certification from their employer indicating that the applicant is qualified to perform the services of a locksmith unsupervised
 - (b) proof of successful completion of an approved apprenticeship program other than that provided by the Industry Training Authority, or
 - (c) proof of successful completion of an approved locksmithing course, proof of experience in full time employment as a locksmith under the supervision of a locksmith security worker licensee and a letter of recommendation and certification from his or her employer indicating that the applicant is qualified to perform the services of a locksmith unsupervised.
-

2.6.3.2 Whether a particular apprenticeship program or locksmithing course is approved by the registrar will be based on a review of:

- (a) program or course content, and
- (b) training time for each component of the apprenticeship or course.

[Security Services Regulation, section 3(5)]

2.6.4 Training and experience requirements for alarm service installers

Rationale

Alarm Service installers is a profession that requires technical knowledge and skill. The relevant knowledge and skills can be obtained in a variety of ways, including apprenticeship programs and alarm service technician courses offered in B.C. or in other jurisdictions.

Policy

2.6.4.1 An applicant for a security alarm installer security worker licence must hold a Trades Qualification Certificate issued under the *Industry Training Authority Act* or the *Industry Training and Apprenticeship Act*, or:

applicant can demonstrate that he/she has the experience or training equivalent to the above-mentioned credential.

[Security Services Regulation, section 3(7)]

2.6.5 Training and experience requirements for security consultants

Rationale

Security consulting comprises a diverse field of practice including knowledge and experience of security. Security consultant's primary role is to provide advice and expertise in a number of specialized areas, such as but not limited to:

- security alarms
 - closed circuit television
 - access controls
 - loss prevention surveys
 - physical security design
 - lighting and building design installation
 - insurance
 - electronic counter measures
 - tool marks
 - fingerprinting
-

- 2.6.5.1 An applicant for a security consultant security worker licence must have two years experience within the past five years in full time employment providing any of the above-mentioned services. To verify this experience you must provide a resume and written reference letters from previous employers or clients verifying your experience.

[Security Services Regulation, section 3(9)]

2.6.6 Training requirements for Security Guards

Rationale:

In order to be qualified for a security guard security worker licence, an applicant must meet one of the following training and/or experience requirements:

- 2.6.6.1 **Basic Security Training Certificates** issued by the Justice Institute of British Columbia (JIBC), including the previous **Basic Standard Training (Level 1 & 2) Certificates**, will be accepted.

This is the recognized training standard for the security guard industry in British Columbia. The JIBC provides the training and invigilation of exams on behalf of the registrar.

- 2.6.6.2 If an individual can prove they have training or experience providing general duties as a Canadian police officer, correctional officer, sheriff, auxiliary, reserve and border service officer, the individual is not required to take the Basic Security Training course through the JIBC. The individual can apply directly to the registrar, for a security guard licence with a training certificate or proof of experience in the way of letters from their employment supervisor/human resources office.
- 2.6.6.3 Any individual whose security training is not mentioned in 2.6.6.5 'equivalent training' below and wishes to have their previous training examined against the BC Basic Security Training standard must make an application for a security guard licence. Security Programs Division will then conduct an equivalency review. Individuals who do not meet the equivalency standard may be directed by the registrar to take a challenge exam. The JIBC will conduct and invigilate the exam process. Only one exam will be permitted before the individual will be required to take the BC Basic Security Training course.
- 2.6.6.4 Any institution that wishes to have their training curriculum examined against the BC Basic Security Training Standard must contact the JIBC for review. The JIBC will review the training curriculum to determine if the curriculum is equivalent and whether accreditation will be granted.
-

2.6.6.5 Equivalent training – the chart below provides clarification on what provincial training is acceptable with a valid licence from each province:

BASIC SECURITY TRAINING EQUIVALENCY PROVINCIAL CHART

| PROVINCE | PROVINCIAL COUNTERPARTS | BC REQUIREMENTS |
|-----------------|---|--|
| Saskatchewan | Equivalent training curriculum (40 hour). | Individual can apply directly to SPD for security worker licence with a copy of valid security guard licence from Saskatchewan. |
| Manitoba | Equivalent training curriculum (40 hour). | Individual can apply directly to SPD for security worker licence with a copy of valid security guard licence from Manitoba. |
| Alberta | Individual must provide a valid security guard licence that states “Certified” which indicates they have completed the 40 hour training and taken exam. | Individual can apply directly to SPD for a security worker licence with a copy of valid security licence from Alberta – Certified. |
| Alberta | Individual with a valid “registered” Alberta licence. This type of licence indicates no training or exam was completed. | Individual must apply through the JIBC to complete training/exam and obtain a BST certificate in order to apply for BC licence. |
| Ontario | Individual with a valid security licence and passed the provincial exam. | Individual can apply directly to SPD for security worker licence with a copy of valid security guard licence from Ontario. |
| Nova Scotia | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |
| New Brunswick | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |
| Newfoundland | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |
| Yukon | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |
| P.E.I. | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |
| Quebec | Individual with valid security licence or previous licence. | Must Complete training and examination process through JIBC |

[Security Services Regulations, section 3(10)]

Section 2.7 - Changes to a Licence or Licensee

[Table of Contents](#)

Introduction

While all changes in ownership or management of a security business, or a business entity holding a licence, must be communicated to the registrar, all of these changes do not require issuance of a new licence. The purpose of the policies in this section is to clarify the processes and fees applicable to the various types of business ownership and management changes that may occur. This section also includes policies relating to several other types of common licence and licensee changes, including changes in licence type, legal name or trade name.

Policies

2.7.1 Security worker licence changes

Rationale

There are two primary types of licence changes that may be requested by security workers:

- a change that adds and/or deletes a licence type. For example, an individual holding a locksmith under supervision licence may apply to change to an unrestricted locksmith licence type once they have obtained the necessary qualifications, or
- a change in legal name. A licensee must only use a licence that is issued in the licensee's name. If the legal name of a security worker changes, the worker must inform the registrar and obtain a licence in the new name.

Policy

2.7.1.1 A security worker licensee may apply for a change to a licence to add or delete a licence type. Unless the application is made at the time of licence renewal, a fee of \$20 will be charged for this type of application.

2.7.1.2 A security worker licensee must notify the registrar, in writing, if his or her legal name changes. Unless this notification is made at the time of licence renewal, a fee of \$20 will be charged for issuance of a new licence reflecting the licensee's new legal name.

[*Security Services Act*, section 7(2); *Security Services Regulation*, sections 15(4) and 16(4)]

2.7.2 Security business licence changes that involve no change in ownership or management of the security business or the licensee

Rationale

There are also a number of changes that security business licensees may request that do not involve a change in ownership or management of the licensee or security business. Like security workers, security business licensees may wish to add or delete a licence type. Security business licensees must also apply for new licences after legal name changes. This may occur when an individual holding a business licence changes his or her name, or if a business entity holding a licence changes its name.

Another type of change that security business licensees may wish to make is a change in the name under which they carry on the security business, or “trade name.” The trade name of a security business is indicated on the licence. Section 18(1) of the Act makes it clear that a security business licensee must apply for a change to the licence if the licensee wishes to change the trade name of the business. A security business can operate under a trade name (“doing business as” name) that is different than the legal name of the business or persons who hold the security business licence. A security business licensee is permitted to only have one trade name (“doing business as” name) per licence.

Policy

- 2.7.2.1 A security business licensee may apply for a change to a licence to add or delete a licence type. Unless the application is made at the time of licence renewal, a fee of \$20 will be charged for this type of application.
- 2.7.2.2 A security business licensee must notify the registrar, in writing, if the licensee’s legal name changes. Unless this notification is made at the time of licence renewal, a fee of \$20 will be charged for issuance of a new licence reflecting the licensee’s new legal name.
- 2.7.2.3 A security business licensee must notify the registrar, in writing, within 14 days of the change, if the legal name of an individual who controls or is able to control the business entity changes.
- 2.7.2.4 A security business licensee must notify the registrar, in writing, if the name used to carry on the security business changes. The registrar may require confirmation of the right to use the requested trade name. Unless this notification is made at the time of licence renewal, a fee of \$20 will be charged for issuance of a new licence reflecting the new trade name.

[*Security Services Act*, sections 18(1), 19(2) and 22(2); *Security Services Regulation*, sections 15(4) and 16(4)]

2.7.3 Security business licence changes that involve a change in ownership of the security business

Rationale

The ownership of a security business may change for a variety of reasons. The business may be sold to an entirely new owner or the existing owner may take on a new partner or decide to incorporate. In all these situations, a new licence reflecting the new ownership of the security business will be required. However, the process and fee charged for issuing the new licence varies depending upon the nature of the ownership change. Some ownership changes will require suitability reviews of new individuals, while others will simply require a new licence issued in the name of the new licensee.

For example, an individual who holds a security business licence may incorporate and transfer ownership of the security business to his new corporation. If that individual is the sole director and shareholder of the corporation, there is essentially no change in the individuals who own and manage the security business and no need to complete any additional suitability reviews before granting a new licence to the corporation as licensee. In this situation, the registrar may simply grant a transfer of the licence to the new owner.

Policy

- 2.7.3.1 Registration of a previously unregistered sole proprietorship or partnership with the Corporate Registry is not considered a change in ownership.
- 2.7.3.2 A person who holds a business licence must notify the registrar of a change in ownership of the security business, in writing, within 14 days of the change.
- 2.7.3.3 Subject to 2.7.3.4, if the ownership of a security business changes, the new owner must apply for a new security business licence and pay the prescribed fee for a new business licence application.
- 2.7.3.4 Despite 2.7.3.3, the registrar may transfer a business licence if:
- (a) there is no change in the individuals who own and manage the security business, or
 - (b) the new owner holds a security business licence.
- Unless the transfer is made at the time of licence renewal, a fee of \$20 will be charged for issuance of a licence, if required.

[*Security Services Act*, sections 19(1) and (2) and 22(1)(b)]

2.7.4 Security business licence changes that involve a change in management of the security business

Rationale

Another type of change to a security business that must be reported to the registrar is a change in the management of the security business. If the manager responsible for the day-to-day supervision of licensed security workers changes, the registrar must be notified so that a suitability review of the new manager can be conducted, if required.

Policy

- 2.7.4.1 A person who holds a security business licence must report to the registrar if the manager responsible for the day-to-day supervision of licensed security workers at any of the locations from which a security business operates changes. This report must be made in writing within 14 days of the change.
- 2.7.4.2 If the manager does not currently hold a security worker or business licence, the registrar will perform and review the results of a criminal record check, police information check and correctional service information check of the manager.
- 2.7.4.3 The registrar may refuse to renew a security business licence if:
- (a) the manager's conduct, mental condition, character or repute make it undesirable that he or she be responsible for the day-to-day supervision of security workers
 - (b) the manager is a peace officer, or
 - (c) the manager does not consent to the checks referenced in 2.7.4.2.

[*Security Services Act*, sections 14(2), 15(1) and 22(1)(b)]

2.7.5 Security business licence changes that involve a change in ownership or management of the business entity holding the licence

At the time of licensing, the registrar assesses the suitability of any individuals who are able to control a business entity that holds a security business licence. Under sections 22(2) of the Act, the registrar must be informed whenever there is a change in the ownership or management of the business entity that holds a security business licence. This provides the registrar with an opportunity to assess the suitability of any new individuals who now may be able to control the business entity.

Unlike the situations outlined above under 2.7.4, this type of change does not require issuance of a new licence, as the entity that holds the licence and owns the security business has not changed. For example, in the case of a corporation that holds a security business licence, the corporation may be sold to new shareholders, or the directors of the corporation may change, but the corporation itself remains the owner of the business and, therefore, the holder of the licence.

Policy

- 2.7.5.1 A licensee must inform the registrar, in writing, within 14 days of a change in the identity of the individuals who control or who are able to control a business entity that holds a security business licence. A list of these individuals is provided in 2.4.2.1.
- 2.7.5.2 If any new individuals are identified under 2.7.5.1 who do not currently hold a security worker or business licence, the registrar will perform and review the results of a criminal record check, police information check and correctional service information check of these individuals.
- 2.7.5.3 The registrar may refuse to renew a security business licence if:
- (a) the registrar considers that an individual's conduct, mental condition, character or repute make it undesirable that he or she control the business entity
 - (b) an individual who controls or is able to control a business entity that holds a security business licence is a peace officer, or
 - (c) an individual who controls or is able to control a business entity that holds a security business licence does not consent to the checks referenced in 2.7.5.2.

[*Security Services Act*, sections 15 and 22(2)]

Section 2.8 – Hearings

[Table of Contents](#)

Introduction

Pursuant to sections 4(2) and 15(3) of the Act, the registrar may hold a hearing before deciding whether or not to issue or renew a security worker or security business licence. If the eligibility or suitability of a licensee comes into question during the term of a licence, the registrar has the authority under section 28 of the Act to cancel or suspend a licence after holding a hearing.

This section of the manual sets out the registrar's policies with respect to these types of licensing-related hearings.

Policies

2.8.1 Hearing formats

Rationale

Depending upon the nature of the issues that must be decided, a variety of hearing formats can be used. Where the credibility of an applicant or licensee is at issue, an in-person meeting may be required. However, if the registrar simply requires more factual information in order to make a licensing decision, a request for a written submission from the licensee or applicant may be sufficient.

Policy

- 2.8.1.1 The registrar will determine the appropriate hearing format. A hearing may be conducted by:
- (a) written submission
 - (b) in-person meeting
 - (c) teleconference
 - (d) video conference, or
 - (e) any combination of the above.
- 2.8.1.2 A hearing may be conducted in the absence of the licensee or applicant, or a licensee or applicant's written submissions, if the licensee or applicant has been given sufficient notice to respond or attend and has chosen not to do so.

[*Security Services Act*, sections 4(2), 15(3) and 28(2)(a)]

2.8.2 Notice of Administrative Hearing

Rationale

In accordance with the principles of administrative fairness, SPD provides applicants and licensees with advance notice of a hearing, the issues that will be addressed and the possible outcome. This allows applicants and licensees time to prepare written or oral submissions, seek clarification of issues and, if desired, arrange representation.

Policy

- 2.8.2.1 If the registrar decides to hold a hearing, a Notice of Administrative Hearing will be sent by registered mail to the applicant or licensee.
- 2.8.2.2 The Notice of Administrative Hearing will provide the applicant or licensee with details of the following:
- (a) the hearing format
 - (b) the location, date and time of the hearing, or date written submissions are due
 - (c) the statutory authority for the hearing
 - (d) the issues that will be addressed at the hearing
 - (e) the possible outcome of the hearing
 - (f) the possible outcome of a failure to appear at the hearing or provide written submissions, and
 - (g) who to contact for more information.
- 2.8.2.3 A summary of the evidence and documentation that SPD will introduce at the hearing will be provided with the Notice of Administrative Hearing.

[*Security Services Act*, sections 4(2), 15(3) and 28(2)(a)]

2.8.3 Representatives

Rationale

A licensing hearing is not as formal as a trial before a court and legal representation is not mandatory. However, in accordance with the principles of administrative fairness, licensees and applicants may choose to appoint a representative to advise them and speak on their behalf.

Policy

- 2.8.3.1 A licensee or applicant may be represented by legal counsel at a hearing.
-

- 2.8.3.2 If a licensee or applicant chooses to be represented by legal counsel at a hearing, the licensee or applicant must advise SPD sufficiently in advance of the hearing. The Notice of Administrative Hearing will specify the amount of notice that is required.

[*Security Services Act*, sections 4(2), 15(3) and 28(2)(a)]

2.8.4 Recordings

Rationale

The principles of administrative fairness do not require SPD to record hearings. The B.C. Supreme Court ruled in *532871 B.C. Ltd. v. Gen. Mgr. Liquor Control & Licensing Branch* that if a petitioner is given every opportunity to present its case and is given a full and complete hearing with consideration given to the defences raised, the record relied upon by a decision-maker is the complete record and the absence of a transcript does not violate the rules of natural justice.

Policy

- 2.8.4.1 SPD does not record hearings.
- 2.8.4.2 With the approval of the registrar, the applicant or licensee may record a hearing at the applicant or licensee's expense.
- 2.8.4.3 If an applicant or licensee records a hearing, the applicant or licensee must provide the registrar with a copy of the recording. SPD will reimburse the applicant or licensee for the cost of producing the copy of the recording.
- 2.8.4.4 If an applicant or licensee records a hearing, the recording does not form part of the official record of the hearing.

[*Security Services Act*, sections 4(2), 15(3) and 28(2)(a)]

2.8.5 Decisions

Rationale

In accordance with the principles of administrative fairness, and sections 4(3), 15(4) and 28(2)(b) of the Act, the registrar provides applicants or licensees with written reasons for licensing hearing decisions.

Policy

- 2.8.5.1 The registrar will send the licensee or applicant a written decision via registered mail within 30 days of the conclusion of the hearing.
-

- 2.8.5.2 The written decision will include:
- (a) the registrar's decision
 - (b) the reasons for the decision, and
 - (c) details of the process for requesting a reconsideration of the decision.

[*Security Services Act*, sections 4(3), 15(4) and 28(2)(b)]

Section 3.1 – Introduction

[Table of Contents](#)

Sections 5(2) and 16(2) of the Act allow the registrar to impose any conditions on a security worker or business licence that the registrar considers appropriate and remove or amend those conditions. Pursuant to these authorities, the registrar has imposed a number of general conditions that apply to all security worker and/or business licensees. These include conditions relating to the Code of Conduct, keeping use-of-force records, supervising under supervision workers and working as a peace officer. The registrar has also imposed general conditions on particular types of licensees, such as the conditions imposed on armoured car guard security businesses and workers relating to the use of firearms. All of these general conditions are outlined in this part of the manual.

In addition to these general conditions, the registrar may impose specific conditions on individual licensees. While it is impossible to foresee all of the possible conditions that could be imposed, this part of the manual highlights the specific conditions that are commonly imposed.

In addition to policies relating to licence conditions, this part of the manual also contains the registrar's policies with respect to the various authorizations and permissions that the registrar may grant to individual licensees. These include authorizations to use dogs, firearms, restraining devices or flashing lights, which are otherwise prohibited. Specific qualifications, application requirements and conditions that apply to these authorizations are included in this part.

Section 3.2 – Code of Conduct

[Table of Contents](#)

Introduction

Section 14 of the regulations outlines a variety of licence conditions relating to conduct that the registrar may impose on any licensee. These conditions are collectively referred to in this manual and other SPD publications as the “Code of Conduct.” This section of the manual outlines the registrar’s policies with respect to the Code of Conduct.

Policies

3.2.1 Code of Conduct for security workers

Rationale

The Code of Conduct outlines standards for the security industry so that businesses and individuals know how to perform their duties in a professional, honest and respectful way. By making compliance with the Code of Conduct a condition of every security worker licence, the registrar can investigate complaints relating to conduct and take action against a licensee who breaches the Code.

Policy

- 3.2.1.1 It is a condition of every security worker licence that the licensee, while engaged in security work:
- (a) must act with honesty and integrity
 - (b) must respect and use all property and equipment in accordance with the conditions of his or her licence
 - (c) must comply with all federal, provincial and municipal laws
 - (d) must treat all persons equally, without discrimination based on a person’s race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or economic or social status
 - (e) must not use profane, abusive or insulting language or actions
 - (f) must not use unnecessary force
 - (g) must not engage in behaviour that is prohibited by law
 - (h) must respect the privacy of others by complying with privacy legislation and treating all information received while working as confidential, except where disclosure is required as part of such work or by law
 - (i) must cooperate with police where it is required by law
 - (j) must not be unfit for duty, while working, through consumption of alcohol or drugs
 - (k) must not conspire with another person or aid or abet another licensee to contravene a provision of the Act or these regulations or a condition of a licence
-

- (l) must not wilfully or negligently make a false statement or false complaint, and
- (m) must not misrepresent to any person the type or conditions of his or her licence or the nature of his or her authority under the law.

[*Security Services Regulation*, section 14]

3.2.2 Code of Conduct for security businesses

Rationale

The Code of Conduct outlines standards for the security industry so that businesses and individuals know how to perform their duties in a professional, honest and respectful way. By making compliance with the Code of Conduct a condition of every security business licence, the registrar can investigate complaints relating to conduct and take action for a breach of the Code against a licensee or, in the case of a business entity licensee, any individual who controls the business entity.

Policy

- 3.2.2.1 It is a condition of every security business licence that the licensee or, if the licensee is a business entity, every individual who controls or is able to control the business entity, while carrying on the security business:
- (a) must act with honesty and integrity
 - (b) must respect and use all property and equipment in accordance with the conditions of his or her licence
 - (c) must comply with all federal, provincial and municipal laws
 - (d) must treat all persons equally, without discrimination based on a person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or economic or social status
 - (e) must not use profane, abusive or insulting language or actions
 - (f) must not use unnecessary force
 - (g) must not engage in behaviour that is prohibited by law
 - (h) must respect the privacy of others by complying with privacy legislation and treating all information received while working as confidential, except where disclosure is required as part of such work or by law
 - (i) must cooperate with police where it is required by law
 - (j) must not be unfit for duty, while working, through consumption of alcohol or drugs
 - (k) must not conspire with another person or aid or abet another licensee to contravene a provision of the Act or these regulations or a condition of a licence
 - (l) must not wilfully or negligently make a false statement or false complaint, and
-

(m) must not misrepresent to any person the type or conditions of his or her licence or the nature of his or her authority under the law.

[*Security Services Regulation*, section 14]

Section 3.3 – Restraining Devices

[Table of Contents](#)

Introduction

Section 11 of the regulations prohibits a security worker licensee from carrying or using a restraining device unless the worker has authorization from the registrar to do so. Because of the possible impacts on civil liberties and public safety associated with the use of restraining devices, the registrar will only grant this authorization in limited circumstances. This section of the manual outlines the registrar's policies with respect to:

- obtaining an authorization;
- the licence conditions that apply to a security worker with an authorization to carry and use restraining devices, and
- the licence conditions that apply to security business licensees with regard to restraining devices.

Policies

3.3.1 Type of security worker who can obtain an authorization

Rationale

Security worker licensees generally do not need to restrain members of the public while they are engaged in security work. The exception is security guards. Security guards have the legal authority to detain or arrest someone who they witness committing a crime in relation to the property they guard or secure. Use of a restraining device in this circumstance may be required to ensure the safety of both of the security guard and the individual being restrained.

Policy

3.3.1.1 The registrar will only consider authorizing the carrying and use of restraining devices by individuals who are qualified to apply for or already hold a security worker licence type security guard.

[Security Services Regulation, section 11(2)]

3.3.2 Qualifications

Rationale

To minimize possible public safety impacts and to ensure the civil liberties of individuals are respected, those applying for or holding security worker licence type security guard who wish to carry and use restraining devices must receive adequate training in legal rights and responsibilities as well as training in the proper methods of use. A variety of

training courses are available but many may not be applicable or relevant to the work of security guards. The registrar requires proof that the individual requesting authorization to carry and use restraints has the adequate training.

Policy

3.3.2.1 Subject to 3.3.2.2, in order to be qualified for an authorization to carry and use restraining devices, an applicant:

- must have successfully completed the Advanced Security Training (AST) course provided by the Justice Institute of British Columbia or by a person approved by the Justice Institute of British Columbia to provide the approved training, or
- must be able to demonstrate, to the satisfaction of the registrar that he or she has training equivalent to the training referred above.

3.3.2.2 The training referred to in 3.3.2.1 must be within one year prior to the date of the application.

3.3.2.3 An individual applying for an authorization to carry and use restraining devices must submit proof of their most recent training in the use of restraining devices.

3.3.2.4 If an individual can prove they have training or experience providing general duties as a Canadian police officer, correctional officer, sheriff, auxiliary, reserve or border service officer, the individual is not required to obtain an AST exemption from the Justice Institute. The individual can apply directly to the registrar for an AST exemption with proof of successful completion of training in the use of restraints (handcuffs) in the way of letters from their employment supervisor/human resources office certifying the training is equal to the provincial use of force guidelines. The training must have occurred not more than one year prior to the date he or she submits their application for AST exemption.

3.3.2.5 AST exemptions granted by the registrar will expire 3 years from the date the individual completed restraint training for which the exemption was granted. Individuals who receive an AST exemption from the registrar may continue to receive AST exemptions upon expiry of the term of exemption with proof of successful re-certification from their employer. Individuals who are no longer employed as police, corrections, sheriffs, auxiliary, reserve, or border service officers who require re-certification, may be re-certified through the JIBC (one day re-certification training) based on documentary proof from the applicant or the registrar (on request of JIBC) that the applicant was certified within the previous 3 years.

3.3.3 Re-qualification requirements:

Rationale

To ensure that licensees with an authorization to carry and use restraining devices maintain their knowledge and skills in the use of restraints, individuals must re-qualify in the use of restraining devices through an approved re-qualification course every three years.

Policy

3.3.3.1 The registrar has approved the re-qualification course through the Justice Institute of British Columbia.

3.3.3.2 When granting an authorization to carry and use restraining devices, the Justice Institute will specify an expiration date that is three years from the date on which the licensee completed an approved training or re-qualification course.

3.3.3.3 A licensee's authorization to carry and use restraining devices expires on the date specified on the certificate issued by Justice Institute. It is the responsibility of the licensee to ensure they maintain the required training in conjunction with the authorization noted on their security worker licence.

3.3.3.4 A licensee who wishes to renew their authorization to carry and use restraining devices must re-apply for the authorization and submit proof of re-qualification as outlined in 3.3.2.3 above.

[Security Services Regulation, section 11(2)]

3.3.4 Approved restraining devices

Rationale

A variety of devices can be used to restrain an individual. However, many of these are not appropriate for use by security guards because they are inconsistent with the role of the private security industry, pose a high risk to public safety or require extensive training to use. Therefore, the registrar only allows security guards to carry and use specific restraining devices.

Policy

3.3.4.1 If a security worker is authorized to carry and use restraining devices, it is a condition of the licence that the licensee **must only carry or use metal chain link handcuffs.**

[Security Services Regulation, section 11(2)]

Section 3.4 – Firearms

[Table of Contents](#)

Introduction

Generally, individuals who are engaged in security work, or carrying on a security business, are prohibited from carrying firearms. However, because of the nature of their work, the registrar permits armoured car guards to carry firearms so long as a number of requirements are met. Qualifications for armoured car guard licence applicants were outlined in policy 2.5.2.1. This section outlines:

- the application requirements relating to firearms that are specific to armoured car guard licence applicants, and
- the licence conditions relating to firearms that apply to all armoured car guard security worker and business licences.

Policies

3.4.1 Security worker application requirements

Rationale

In order to issue an armoured car guard security worker licence, the registrar must be satisfied that the applicant holds all licences and permits required by law in relation to an approved type of firearm. Firearms are regulated federally under the *Firearms Act of Canada (Firearms Act)* and its regulations. In order to carry a firearm while working as an armoured car guard, an individual must have an Authorization to Carry (ATC) issued pursuant to section 20 (b) of that Act.

Policy

- 3.4.1.1 The registrar may issue a security worker licence to an armoured car guard. The security worker licence is valid only while the armoured car guard is in possession of a valid ATC as issued by the Chief Firearms Officer for British Columbia (CFO BC).

[*Security Services Act*, section 26(2)(a)(ii)]

3.4.2 Security worker licence conditions

Rationale

To ensure continuing firearms proficiency and ongoing compliance with the requirements of the *Firearms Act*, the registrar has imposed a number of licence conditions on all armoured car guard security worker licences. These include conditions relating to the types of firearms and ammunition that may be carried. Armoured car guard workers currently carry revolvers, but armoured car guard businesses wish to transition to semi-automatic pistols. While the transition to the semi-automatic pistol is ongoing, the registrar will authorize workers to carry the revolver.

An armoured car guard worker may carry a semi automatic pistol only after the licensee has completed a Justice Institute of BC (JIBC) semi-automatic pistol conversion training course taught by an approved JIBC “Use of Force Training and Firearms Proficiency” instructor or has taken a course deemed by the JIBC to be equivalent.

Policy

- 3.4.2.1 The conditions outlined in 3.4.2.2 to 3.4.2.6 apply to all armoured car guard security worker licences.
- 3.4.2.2 The licensee must only carry a firearm if the licensee holds a valid ATC issued under section 20 (b) of the *Firearms Act*, by the CFO BC and follows all the conditions of the ATC.
- 3.4.2.3 The licensee must only carry a firearm that is registered to the business licence holder’s firearms business inventory and where, pursuant to the *Firearms Act*, a firearm registration number has been issued.
- 3.4.2.4 The licensee must carry the approved firearm only while on duty, in uniform with the firearm prominently displayed and contained in a minimum level III security holster on a pistol belt. (This condition does not apply to the licensee when engaged in firearms training and target practice on an approved firing range or for ordinary firearms maintenance in accordance with company policy.)
- 3.4.2.5 The firearm must be securely stored at the licensed business address during off-duty hours.
- 3.4.2.6 The licensee must only carry the following approved types of firearms as specified:
 - (a) Revolvers:
 - all-steel, double action, six shot revolvers with a safety hammer block and swing out cylinder, and classified as;

- (i) restricted firearm defined by section 84(1) *Criminal Code of Canada* (CCC) “a handgun that is not a prohibited firearm” (with a barrel length of not less than 106 mm and not more than 127 mm, or
 - (ii) prohibited handgun (with a barrel length of not less than 100 mm) and defined (in part) by section 84(1) CCC “a handgun that has a barrel equal to or less than 105 mm in length”
 - carry ammunition only of the calibre .38/.357 special, factory loaded +P hollow point (controlled expansion) ammunition composed of either copper-jacketed or all lead alloy,
 - to carry on duty, a maximum of 18 cartridges only (six in the revolver and two additional speed loaders on the pistol belt), and
- (b) Semi-automatic pistols:
- classified as restricted firearm defined in part by section 84 (1) CCC “means a handgun that is not a prohibited firearm”
 - with a double action trigger mechanism,
 - a barrel length of not less than 106 mm and no more than 127 mm,
 - carry only approved pistol ammunition as follows:
 - (i) 9 mm Luger or .40 S & W calibre, factory loaded hollow point (controlled expansion) ammunition composed of either copper-jacketed lead or all lead alloy,
 - (ii) 9 mm bullet weight of not less than 147 grains and .40 calibre bullet weight of not less than 180 grains, and
 - (iii) 9 mm muzzle velocity of between 290 m/second and 330 m/second and .40 calibre muzzle velocity of between 290m/second and 396 m/second.
 - to carry on duty, a maximum of 30 cartridges only (10 in the magazine of the handgun and two spare magazine of 10 cartridges each on the pistol belt). The magazines must be capable of holding not more than 10 cartridges when fully charged,
- (c) Shotguns:
- in the case where the licensee is required to carry a shotgun or where a shotgun is deployed in a vehicle, the licensee must have within the preceding 12 months, successfully completed the JIBC Basic Shotgun Proficiency Test from a certified JIBC Shotgun Proficiency Instructor, or has taken a course/test deemed by the JIBC to be equivalent.
 - only 12 gauge “pump action” shotguns capable of holding not more than eight shells and that are commonly known as “non-restricted” firearms (specifically not falling under the CCC definition of a restricted or prohibited firearm) are authorized for use by armoured car guard workers, and
 - only 12 gauge shotgun shells commonly known as SSG/00 Buck and containing no less than nine shot pellets per shell are authorized. The use of shotgun “slugs” or any other projectiles other than shot pellets are not authorized.

[*Security Services Act*, sections 5(2) and 26(2)]

3.4.3 Security business application requirements

Rationale

The registrar must be satisfied that armoured car guards will be using firearms that are registered to their employer under the *Firearms Act*. Therefore, as part of the application process for armoured car guard businesses, the registrar collects and reviews copies of relevant documents issued under the authority of that Act.

Policy

- 3.4.3.1 A person applying for an armoured car guard security business licence must submit:
- (a) a copy of a valid Firearms Business Licence issued in the business's name by the CFO BC, and
 - (b) a complete list of all registered firearms held by the business.

[*Security Services Act*, section 26(2)(b)]

3.4.4 Security business licence conditions

Rationale

To ensure that both the armoured car guard business and its workers continue to comply with the requirements of the *Firearms Act* once they are licensed, the registrar has imposed a number of licence conditions on all armoured car guard business licences.

Policy

- 3.4.4.1 The conditions outlined in 3.4.4.2 to 3.4.4.6 apply to all armoured car guard security business licences.
- 3.4.4.2 The licensee must only carry on the security business so long as the licensee holds a copy of a valid Firearms Business Licence issued in the business's name by the CFO BC.
- 3.4.4.3 The licensee must ensure that its armoured car guard workers only carry a firearm if the worker holds a valid ATC issued by the CFO BC and follows all the conditions of the ATC.
- 3.4.4.4 The licensee must ensure that its armoured car guard workers only carry firearms that are registered to the security business under the *Firearms Act*.

3.4.4.5 The licensee must ensure that its armoured car guard workers only carry the firearms approved under 3.4.2.6.

3.4.4.6 The licensee must ensure that its armoured car guard workers, who carry firearms, only carry the ammunition approved under 3.4.2.6.

[*Security Services Act*, sections 16(2) and 26(2)]

Section 3.5 – Dogs

[Table of Contents](#)

Introduction

Section 13 of the regulations prohibits a security worker or business licensee from using a dog for security work unless the licensee has an authorization from the Registrar to do so and is in compliance with the requirements set out regarding the use of dogs.

Because of the possible impacts on public safety associated with the use of dogs for security work, the Registrar will only grant an authorization to use a dog where both the dog and the workers who will be handling the dog can demonstrate their training through a validation process administered by the Justice Institute of British Columbia.

This section of the manual outlines the Registrar's policies with respect to:

- obtaining an authorization to use a dog, and
- the licence conditions that apply to licensees with authorizations to use dogs.

Policies

3.5.1 Security business qualifications

Rationale

In order to minimize possible public safety impacts associated with the use of dogs by the security industry, the Registrar will grant an authorization to a security business where the business ensures a dog is only used for the following purposes:

- For that kind of security work (in either detection of people or things, or protection of a security guard), and
- to obey the commands of the security guards who will be using the dogs.

Policy

3.5.1.1 In order to be qualified for an authorization to use a dog for detection of people or things, or for an authorization to use a dog for the protection of the licensee, while providing a guard patrol or watch of property, a security guard business must demonstrate that the handler and dog have completed one of the following training requirements:

- (a) Validation for protection
 - (b) Validation for protection and detection – drugs
 - (c) Validation for protection and detection - explosives
 - (d) Validation for detection – drugs
 - (e) Validation for detection - explosives
-

3.5.1.2 A security guard business authorized to use a dog must keep records of the following information pursuant to section 13(9):

- (a) Microchip
- (b) proof of the validation for each team (handler & dog) and
- (c) the vaccinations for each authorized dog

3.5.1.3 The security business also has the responsibility to ensure the business only uses a dog and handler that has been validated together and that the validation is current.

[*Security Services Regulations*, sections 13(2) and (4)]

3.5.2 Security worker qualifications

Rationale

In order to minimize possible public safety impacts associated with the use of dogs by the security industry, before granting a security guard an authorization to use a dog, the Registrar must be satisfied that the guard is competent in the use and control of that dog either for:

- the detection of people or things, and/or
- the protection of the guard while he or she is providing a guard patrol or watch of property.

To ensure that security guards who wish to use dogs are adequately trained, the handler and dog must complete the established validation process administered by the Justice Institute of British Columbia.

Policy

3.5.2.1 In order to be qualified for an authorization to use a dog for detection of people of things, an applicant must complete one of the following validation standards for the type of work the handler and team are providing:

- (a) in the area of protection
- (b) in the area of detection-drugs
- (c) in the area of detection-explosives.
- (d) in the area of dual purpose dogs:
 - i) for the protection of the licensee while providing a guard patrol or watch of property and in the area of detection for drugs or explosive (not both),

[*Security Services Regulations*, sections 13(3) and (4)]

3.5.3 Re-qualification requirements

- 3.5.3.1 Security businesses who have an authorization to use security dogs are required to ensure handlers and dogs have re-qualified annually.
- 3.5.3.2 Security workers who have an authorization to use security dogs must re-qualify annually.
- 3.5.3.3 Security workers who have an authorization to use a dual-purpose dog must re-qualify every six months.

3.5.4 Security business licence conditions

- 3.5.4.1 If a security business licensee is authorized in the use of a dog for the purpose of security work, the following authorization may be placed on the business licence as a condition of the business licence:
 - Authorized to use dogs for the purpose of security work in the detection of people or things.

3.5.5 Security worker conditions

- 3.5.5.1 A security worker may have a condition placed on their security worker licence that indicates the following:
 - Authorization to use a dog trained for security work in protection
 - Authorization to use a dog training for security work in detection-drugs
 - Authorization to use a dog training for security work in detection-explosives

3.5.6 Security worker – requirements:

- Security worker must carry on their persons the following:
 - Security worker licence
 - Validation Certificate
 - Validation results
-

Section 3.6 – Supervision Requirements

[Table of Contents](#)

Introduction

Four types of security worker licence are issued with an “under supervision” designation. The purpose of these types of licences is twofold:

- they provide workers with the opportunity to acquire the on-the-job training and/or experience necessary for an unrestricted licence, and
- they advise employers and the public that the worker is not fully experienced in the type of security work for which they are licensed.

The exact description and nature of supervision may differ depending upon the type of licence and security work being performed and the experience level of the under supervision worker. Businesses are responsible for ensuring that supervision requirements are met. The policies in this section outline the conditions that the registrar has imposed on business licences relating to supervision.

Policies

3.6.1 Supervision requirements for locksmiths

Rationale

To maintain public safety and ensure that clients obtain satisfactory services, locksmith business licensees must adequately supervise their employees who hold under supervision licences. One of the purposes of licensing an individual as an under supervision locksmith is to give that individual an opportunity to obtain the two years of on-the-job training and experience that is required for an unrestricted licence. Locksmith business licensees who employ individuals with under supervision licences must develop training plans and conduct regular progress reviews to assist under supervision workers in fulfilling this requirement.

Policy

- 3.6.1.1 All locksmith business licensees must ensure adequate supervision of any individuals who hold a locksmith under supervision security worker licence and who are employed by the licensee to provide any aspect of the services of a locksmith (“under supervision locksmiths”). Adequate supervision includes, but is not limited to, the following:
- (a) the licensee must develop written training plans for any under supervision locksmiths, and
 - (b) the licensee must conduct regular progress reviews with any under supervision locksmiths.

- 3.6.1.2 If an under supervision locksmith is providing any aspect of the services of a locksmith to a client of a locksmith business licensee, the business licensee must inform that client that services will be provided by an individual who is under supervision.

[*Security Services Regulations*, section 16(2)]

3.6.2 Supervision requirements for private investigators

Rationale

To maintain public safety and ensure that clients obtain satisfactory services, private investigator business licensees, and non-security businesses who employ private investigators, must adequately supervise their employees who hold under supervision licences. One of the purposes of licensing an individual as an under supervision private investigator is to give that individual an opportunity to obtain the two years of on-the-job training and experience that is required for an unrestricted licence. Private investigator businesses that employ individuals with under supervision licences must develop training plans and conduct regular progress reviews to assist under supervision workers in fulfilling this requirement.

Policy

- 3.6.2.1 All private investigator business licensees must ensure adequate supervision of any individuals who hold a private investigator under supervision security worker licence and who are employed by the licensee to provide any aspect of the services of a private investigator (“under supervision private investigator”). Adequate supervision includes, but is not limited to, the following:
- (a) the licensee must develop written training plans for any under supervision private investigators, and
 - (b) the licensee must conduct regular progress reviews with any under supervision private investigators.
- 3.6.2.2 If an under supervision private investigator is providing any aspect of the services of a private investigator to a client of a private investigator business licensee, the business licensee must inform that client that services will be provided by an individual who is under supervision.
- 3.6.2.3 A private investigator security business licensee must allow the under supervision private investigator time to attend courses in:
- (a) criminal law
 - (b) civil law and process
 - (c) human rights legislation
 - (d) information and privacy legislation
 - (e) evidence recognition, presentation and protocols
 - (f) interviewing techniques

- (g) report writing
- (h) documentary research (electronic and hard copy), and
- (i) surveillance techniques.

3.6.2.4 A business entity that does not hold a security business licence must not employ an under supervision private investigator unless the business entity ensures that the under supervision private investigator is adequately supervised by an individual who holds an unrestricted private investigator security worker licence.

[*Security Services Act*, sections 16(2) and 27(a)]

3.6.3 Supervision requirements for security alarm installers

Rationale

To maintain public safety and ensure that clients obtain satisfactory services, security alarm installer business licensees must adequately supervise their employees who hold under supervision licences. One of the purposes of licensing an individual as an under supervision security alarm installer is to give that individual an opportunity to obtain the two years of on-the-job training and experience that is generally required for the ITA Certificate of Qualification as a Security Alarm Installer. Security alarm installer business licensees who employ individuals with under supervision licences must develop training plans and conduct regular progress reviews to assist under supervision workers in fulfilling this requirement.

Policy

- 3.6.3.1 All security alarm installer business licensees must ensure adequate supervision of any individuals who hold a security alarm installer under supervision security worker licence and who are employed by the licensee to install, maintain or repair security alarms (“under supervision installer”). Adequate supervision includes, but is not limited to, the following:
- (a) the licensee must develop written training plans for any under supervision installers, and
 - (b) the licensee must conduct regular progress reviews with any under supervision installers.
- 3.6.3.2 If an under supervision installer is installing, maintaining or repairing security alarms for a client of a security alarm installer business licensee, the business licensee must inform that client that services will be provided by an individual who is under supervision.

[*Security Services Act*, section 16(2)]

3.6.4 Supervision requirements for security guards

Rationale

Unlike the other types of under supervision licences, the security guard under supervision licence can only be issued to a particular individual once, and has a limited duration of 90 days. The purposes of this type of licence are to allow individuals an opportunity to work as a security guard while they are completing BST 1 and 2 and to allow employers to hire security guards for limited duration or special events.

Policy

- 3.6.4.1 All security guard business licensees, and business entities that do not hold a security business licence, must ensure adequate supervision of any individuals who hold a security guard under supervision security worker licence and who are employed by the licensee to provide any aspect of the services of a security guard service (“under supervision security guard”). Adequate supervision includes, but is not limited to, the following:
- (a) the business must ensure that an unrestricted security guard worker licensee who can provide direct supervision of the under supervision security guard is readily available at all times at each site where an under supervision security guard is working, and
 - (b) the business must maintain a ratio of no more than 5:1 of employees who hold security guard under supervision licences to employees who hold security guard licences at each work site.
- 3.6.4.2 If an under supervision security guard is providing any aspect of the services of a security guard to a client of a security guard business licensee, the business licensee must inform that client that services will be provided by an individual who is under supervision.

[*Security Services Act*, sections 16(2) and 27(a)]

Section 3.7 – Other Conditions

[Table of Contents](#)

Introduction

The previous sections in this part of the manual outlined licence conditions, qualifications and /or application requirements relating to particular subject areas, such as restraining devices or firearms. The policies in this section relate to some of the various other licence conditions that the registrar has imposed, or may impose, on licensees.

Policies

3.7.1 Working as a peace officer

Rationale

As outlined under 2.5.4, persons holding peace officer appointments may have direct or indirect access to confidential personal information. This may create a conflict of interest if the peace officer is employed as a security worker or carries on a security business. To ensure that conflicts do not arise, the registrar asks individuals if they hold peace officer appointments as part of the licensing process and has imposed a condition on all security worker licences that prohibits licensees from working as peace officers unless the registrar has been informed of, and authorizes, that work.

Policy

3.7.1.1 Unless otherwise authorized by the registrar, an individual holding a security worker licence must not work as a peace officer.

[*Security Services Act*, section 5(2)]

3.7.2 Recording use-of-force events

Rationale

As required by section 7(1)(g) of the regulation, all security businesses must maintain reports of incidents where a security worker employed or engaged by the business, or a dog authorized for use by the business, uses any type of force against another person. These types of reports are necessary for a number of reasons. They allow the business to determine whether the use-of-force was appropriate in the circumstances and, if required, provide additional training to workers in the appropriate use-of-force or review or revise company policies and procedures. The reports also allow Security Programs Division or another agency to review the details of the incident if a complaint is received. To ensure that reports are written and kept for all use-of-force incidents involving security workers, including incidents where a security worker who is employed by a non-security business

uses force against another person, the registrar has also imposed a licence condition on all security workers that requires workers to maintain use-of-force reports.

Policy

- 3.7.2.1 Every security worker licensee must maintain use-of-force reports detailing incidents when:
- (a) the licensee uses any type of force against another person while engaged in security work, including, without limitation, incidents when a restraining device, firearm or other weapon was used, and
 - (b) a dog used by the licensee for security work attacked a person.

[*Security Services Act*, section 5(2)]

3.7.3 Branch office records

Rationale

Section 7 of the regulations prescribes a variety of books and records that must be maintained by a security business licensee. To facilitate access to these records by inspectors or peace officers who may be carrying out inspections of licensees who operate out of a number of locations, the registrar has imposed a condition on every business licence that requires branch offices to maintain their own records.

Policy

- 3.7.3.1 A security business licensee must maintain or produce the records prescribed in section 7 of the regulations at each location from which the security business is permitted under the licence to carry on the security business.

[*Security Services Act*, sections 16(2), 17(2) and 21(a); *Security Services Regulation*, section 7]

3.7.4 Conditions for individuals with medical conditions

Rationale

In some circumstances, individuals with medical conditions may only be suitable for licensing if the type of security work they engage in is restricted, they maintain a treatment regime prescribed by their physician or avoid situations that may exacerbate the condition. In order to give these individuals an opportunity to work in the security industry, and ensure that they are not given job duties that are incompatible with any limitations posed by a medical condition, the registrar may issue a security worker licence with a condition that requires the licensee to inform employers of any employment limitations.

Policy

- 3.7.4.1 The registrar may place a condition on a licence that requires a security worker to inform potential employers of any employment limitations.

[*Security Services Act*, section 5(2)]

3.7.5 Flashing lights**Rationale**

Flashing lights allow security guard vehicles to be seen and noticed by the public while performing security guard duties. Pursuant to Section 10(3) of the Security Services Regulations, a security guard business may use Flashing Amber Lamps only on their security guard vehicles in accordance with the following policy:

Policy

- 3.7.5.1 A vehicle operated for the purposes of security guard work that uses/installs flashing lights MUST:
- (a) use ONLY flashing amber lights;
 - (b) use flashing amber lights ONLY while engaged in security work at a security contract site;
 - (c) use flashing amber lights ONLY on security guard vehicles that are identified as security guard vehicles in accordance with section 10(4) of the Security Services Regulation;
 - (d) install ONLY ONE roof mounted or interior mounted amber light bar per vehicle;
 - (e) NOT install or use any front grill or rear vehicle bumper amber flashing lights; and
 - (f) operate the security guard vehicle in compliance with the *Motor Vehicle Act* at all times.
- 3.7.5.2
- (a) a vehicle operated for the purposes of security guard work is not authorized to use flashing lights for any purpose contrary to or in violation of the traffic laws of British Columbia (including but not limited to the use of flashing lights for “right of way” purpose, alarm response, violation of traffic lights or signs, speeding, etc). Any misuse of flashing amber lights by an operator of a security vehicle may result in violation ticket fine in the amount of \$115.00 pursuant to section 10(1) of the Security Services Regulation “*Unlawful Use of Vehicle*” and/or revocation of the authority to use flashing amber lights or other enforcement action;
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- (b) only a person with a valid security guard business licence may possess or use flashing lights on security guard vehicles;
- (c) security businesses who are not security guard businesses (locksmiths, alarm installers, closed circuit television installers, electronic locking device installers and armoured car businesses) and who wish to use flashing amber lights must apply directly to the Director Commercial Vehicle Safety and Enforcement Branch for approval; and
- (d) security businesses who are not security guard businesses and who possess flashing amber lights without approval from Director Commercial Vehicle Safety and Enforcement Branch are considered non compliant with Security Services Regulations section 14, Code of Conduct, subsection 14(e) “*must comply with all federal, provincial and municipal laws*” and are subject to a violation ticket in the amount of \$288.00 pursuant to section 16(5)(b) of the *Security Services Act* “*Fail to Comply with Business Licence Condition*” or other enforcement action.

[*Security Services Act*, section 16(2) & (5); Security Services Regulations, section 10(1), 10(3), 10(4) & 14(e)]

3.7.6 Requirement, while on duty, to produce a Security Worker Licence when requested by a member of the general public with respect to armoured car guards or doorpersons at licensed liquor establishments (i.e. in-house security guards).

Rationale

An individual providing the services for an armoured car guard or doorperson at a liquor establishment is exempt from having to produce his/her security worker licence to the general public.

3.7.6.1 A person providing the services of

- (a) an Armoured Car guard noted in Section 15(1) item 1 of the Security Services Regulation or
- (b) a doorperson at licensed liquor establishments noted under *Security Services Act* Section 1 – Definitions – security guard (d) and in Section 15(1) item (10) of the Security Services Regulation is exempt from Section 8(b) of the *Security Services Act*, which states:

An individual who holds a security worker licence must, while engaged in security work produce the security worker licence on the request of any person to whom the individual holds himself or herself out to be a security worker.

This requirement is not in the best interest of the public or the safety of an armoured car guard or doorperson due to the nature of the work they perform.

3.7.6.2 A doorperson must provide their security worker licence upon request of any of the following enforcement regulators:

- *Security Services Act* – Compliance & Enforcement Inspectors
- Liquor Enforcement Inspectors
- Law Enforcement Officers
- Any other regulatory enforcement officers while acting under the authority of a provincial statute.

3.7.7 Markings and accessories of security guard vehicles

Rationale

Security guard vehicles should be easily identifiable but must not be confused with police or other emergency vehicles. Section 10 of the Security Services Regulation establishes the mandatory requirements and restrictions on the use of security guard vehicles. The following policy is established to provide additional clarification on the requirements of section 10.

Policy

3.7.7.1 A vehicle operated for the purpose of security guard patrol **MUST NOT**:

- (a) be painted to resemble or near resemble a police vehicle (ie: painted “black and white” with an all black body with white doors and/or white roof and which has been traditionally associated by the public to be a police vehicle);
 - (b) display logos, decals, crests, labels or other affixed symbols that would cause public confusion as to the purpose of the vehicle or the authority represented by the operator of the vehicle or give reasonable inference that the vehicle is associated with police or other law enforcement;
 - (c) be equipped (functional or not) with a siren or front bumper/grill loud speaker;
 - (d) have a bumper equipped with a police style “crash bumper” or any device or attachment that resembles a crash bumper, other than a winch;
 - (e) be equipped with any type of rear seat cage of any design or material commonly used by law enforcement agencies to secure persons who have been placed under arrest;
 - (f) be used to “hold” or “transport” a person who is detained or arrested pending delivery of the person to a peace officer;
 - (g) have vehicle doors manufactured or modified to prevent a person from exiting the vehicle;
 - (h) be “unmarked” as described in section 10(5) Security Services Regulation, unless in possession of written approval by the registrar; and
 - (i) install flashing amber lights on any registrar approved unmarked vehicle.
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3.7.7.2 A vehicle operated for the purpose of security guard patrol **MUST**:

- (a) be marked with the word “SECURITY” on both sides of the exterior of the vehicle in letters not less than 7.5 cm high;
- (b) display the name and telephone number of the person that has employed or engaged the security guard service on the front, back or side of the security guard patrol vehicle; and
- (c) use flashing amber lights **ONLY** as specified at policy 3.7.5.

3.7.7.3 A vehicle operated for the purpose of security guard patrol **MAY**:

- (a) install not more than ONE vehicle mounted swivel “white” search light.

[*Security Services Act*, section 5(2) & 16(2) and Security Service Regulation, section 10]
