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Thursday 22 September 2005

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Jeudi 22 septembre 2005

**Standing committee on
justice policy**

Private Security and
Investigative Services Act, 2005

**Comité permanent
de la justice**

Loi de 2005 sur les services privés
de sécurité et d'enquête

Chair: Shafiq Qadri
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Thursday 22 September 2005

Jeudi 22 septembre 2005

The committee met at 1014 in the Four Points Sheraton Hotel, London.

PRIVATE SECURITY AND INVESTIGATIVE SERVICES ACT, 2005 LOI DE 2005 SUR LES SERVICES PRIVÉS DE SÉCURITÉ ET D'ENQUÊTE

Consideration of Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999 / Projet de loi 159, Loi révisant la Loi sur les enquêteurs privés et les gardiens et apportant une modification corrélative à la Loi de 1999 sur le Tribunal d'appel en matière de permis.

The Chair (Mr. Shafiq Qaadri): Ladies and gentlemen, colleagues, good morning to you all. My name is Shafiq Qaadri, MPP. I have the privilege and honour of being the Chair of the standing committee on justice policy. We are here, as you know, to begin our public hearings in this district on Bill 159. I would like to welcome, on your collective behalf, Mrs. Sandals, Mr. Flynn, Mr. Delaney, Mr. Brownell and Mr. Brown from the government side; Mr. Arnott from the Tory side; and Mr. Kormos from the NDP. I would also like to inform you that services for translation are available, as we are in one of the 22 designated bilingual areas in Ontario. Pour votre information, le service d'interprétation est disponible parce que nous sommes maintenant dans une région désignée bilingue sous la Loi sur les services en français.

ONTARIO ASSOCIATION OF PROPERTY STANDARDS OFFICERS

The Chair: I now invite our first presenter, Mr. Len Creamer, president of the Ontario Association of Property Standards Officers, to please come forward. I remind him and future presenters that he has 15 minutes in which to present to us. Any time remaining will be distributed evenly for questions amongst the various parties. Please begin.

Mr. Leonard Creamer: Good morning, ladies and gentlemen. Thank you for the opportunity to address the committee. My name is Leonard Creamer. I am the president of the Ontario Association of Property Standards Officers. Our organization represents over 650 municipal employees whose duties include the enforce-

ment of municipal property standards bylaws through the Ontario Building Code Act. I am a former police officer and am currently the manager of municipal law enforcement for the municipality of Clarington, with over 25 years of combined law enforcement experience.

My presentation today is probably a little different from some of the others dealing with this act, because my concerns about the proposed legislation deal with its possible effects on, and extension into, the realm of municipal law enforcement. They are as follows.

Property standards officers operate under the authority of the Ontario Building Code Act. This legislation defines a property standards officer as a person who "has been assigned the responsibility of administering and enforcing bylaws passed under section 15.1" of the act. Nowhere within that act is there an authority to appoint a property standards officer pursuant to a bylaw, nor is there a designation of a property standards officer as a peace officer, and yet the powers of enforcement and entry on to property for our officers in many ways surpass those of a police officer. It is in that respect that we would recommend that the definition of "security guard" and the exemptions that are extended to peace officers be further clarified and expanded.

Currently, a security guard is defined as a person who performs work for remuneration that consists primarily of protecting persons or property. Through their enforcement activities, property standards officers ensure the safety of persons having access to and use of various properties. Without the peace officer designation, our members may fall within the ambit of Bill 159. The same concern holds true for municipal law enforcement officers who have been appointed pursuant to the Municipal Act. While this act allows for the appointment of persons to enforce bylaws passed pursuant to the act, there is again no authority to designate these officers as peace officers.

Municipal law enforcement officers are recognized as peace officers only if they are appointed under section 15 of the Police Services Act. While I realize this is not the intent of the legislation, there is, in my opinion, enough of a grey area created in the definitions of "security guard" and "private investigator" to allow an appeal court to draw the interpretation that we would fall within the ambit of the act.

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There are currently numerous provincial acts that deal with and speak to authorities of peace officers and

provincial offences officers. Provincially, the number of persons who are designated in either category runs into the thousands. As you may be aware, provincial offences officers are designated pursuant to the Provincial Offences Act and can be completely separate from peace officers.

There is, to the best of my knowledge, only one definition of “peace officer,” and that is found in the Criminal Code of Canada. It includes “a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.” Herein lies the problem: Either a peace officer is a person as defined in the Criminal Code, or they need to be separately defined or acknowledged within the provincial legislation.

In Ontario, municipal enforcement is handled by municipal staff, by companies under contract to municipalities as municipal law enforcement officers and by private security companies. Recently I have become aware that some municipalities are designating their in-house security staff as municipal law enforcement officers or peace officers in order to circumvent the need for registration and licensing under the proposed bill. This has created a situation where contract security guards and municipal law enforcement officers are working side by side performing the same job functions but only the security guard is required to be licensed and trained. This brings me to my next point.

When Bill 159 was drafted, there was an assumption that all Ontario provincial offences officers and peace officers already obtained adequate training to a level similar to what is proposed in Bill 159. This is incorrect. There are currently no mandatory requirements for the training of municipal enforcement staff. It is left to the discretion of the hiring municipality to set the minimum acceptable standard of education and competency for these officers. This can range anywhere from simply a grade 12 education and a clean criminal record to a requirement that they have gone through a college, police college or police foundation course.

Given the recent requirements for mandatory training of building inspectors under Bill 124, the proposed requirements for training set out in this act and the existing requirements for police officers set out in the Police Services Act, we believe that the mandatory training of municipal staff becomes a logical extension.

The skills, knowledge and abilities of a property standards officer or of any other municipal law enforcement officer are closer to those required for a police officer than for a security guard. In order to separate these categories, it is recommended that Bill 159 recognize all municipal enforcement officers, whether they be property standards officers, building inspectors, plumbing inspectors, plans examiners, licensing officers, taxi inspectors, animal control officers, tree preservation officers, water and sewer use inspectors—as you can see, the list does go on—and that they be designated as peace officers and therefore exempt from the provisions of Bill 159.

Realizing that in many cases perception is reality, the committee must be aware that this exemption can only apply to property standards officers and other municipal officers whose duties are to enforce the relevant bylaws and provincial statutes and will not include those persons tasked or perceived to be tasked and acting to protect persons or property on behalf of their employer. In some municipalities, municipal law enforcement officers are used to supplement the local police in the enforcement of bylaws in public areas as well as to patrol public parks. They are easily confused with the police, due to similar uniforms, and are clearly perceived as performing security patrol duties on behalf of the city if one were to encounter them. These peace officers would be technically exempt because of their status and classification.

The Ontario Association of Property Standards Officers agrees that there is a definite need to set training standards for security guards and private investigators, and would willingly support the mandatory training of all municipal enforcement officers through subsequent legislation.

OAPSO does offer training and certification for its members through a three-part course endorsed by the province in 1992 through the Ontario Association of Property Standards Officers Act. This act allows the association to offer certification to those members who have met the course training standards. Our course deals with academic and structural issues involved in the performance of an officer’s duties, but does not include any reference to confrontation management, use of force or situational awareness. The introduction of federal legislation, Bill C-45, is now changing that perception. However, this training is strictly optional. There is no requirement in law for a property standards officer to be certified or in any way properly trained.

There is also currently no training mandated for municipal law enforcement officers or peace officers which would combine both the academic knowledge, judgment training and physical skills necessary for an officer to perform their duties effectively and safely. Should a municipal officer with security duties become exempted because of their peace officer status, they would have no requirements or mandates to be trained to similar levels of those proposed under this bill. The same applies to security guards who are acting as municipal enforcement officers. This potentially can lead to another Shand case, exposing both the provincial government and the local municipality to civil liability, not to mention the obvious unnecessary risks to public safety.

In the future, should the province wish to mandate municipal enforcement staff to a higher level of equipment, uniform and training, then the board of directors of the Ontario Association of Property Standards Officers would appreciate the opportunity to participate in those discussions and in the establishment of the necessary standards.

In closing, I want to thank you for your time and consideration.

The Chair: Thank you, Mr. Creamer. We have a reasonable time left for questions from all parties, and I

would now begin with Mr. Ted Arnott, who is the MPP from Waterloo–Wellington.

Mr. Ted Arnott (Waterloo–Wellington): Thank you, Mr. Creamer, for your presentation. You talk about the training issues. I was wondering if you could give us some examples, because of the fact that training in some cases hasn't been as adequate as it should be, where municipalities have run into problems.

Mr. Creamer: Municipalities do not offer situational confrontational training as a norm. We talk to new recruits about the right of their power of entry, and also under Bill 132 now with the dog owner's liability, the right to seize an animal. You're talking about situations where you are putting the officer face to face in a confrontational situation and yet there is nothing there that they can fall back on by way of training to tell them how to deal with it effectively, ways to extricate themselves from the situation without putting both themselves and the person they're dealing with at risk.

The Chair: Any further questions, Mr. Arnott?

Mr. Arnott: No, thank you.

The Chair: We'll now proceed to Mr. Kormos, who's the MPP for Niagara Centre.

Mr. Peter Kormos (Niagara Centre): Thank you kindly. You raise a very interesting point on the reference to peace officers as among the excluded list. This is perhaps for Mr. Fenson. I stand to be corrected, but my understanding is that when a peace officer is referred to in the Criminal Code, it isn't a definitive source of what constitutes a peace officer in any given circumstances other than for the application of the Criminal Code. So if we could have some help in terms of understanding: Does "peace officer" have a definitive basis apart from either normal usage or the Criminal Code, because there is no definition in the statute of what constitutes a peace officer? So you raise a very interesting point.

One of the tensions that arose in Toronto and, I suspect, may arise again is between our public police, and you're in the public sector as well, and the private policing services—the parapolice, as I've been inclined to call them—that some security firms provide. We're going to hear later today—if not in an oral submission, in a written one; we've already received one—about how some security firms want the authority to have weapons, including firearms. My understanding is, when a municipal officer, like one of yours, is in a precarious position, he or she should be able to call upon the local police to assist them in enforcing their duties. That's my inclination, that's my bent, rather than, even with municipal officers, arming them etc. What do you say to that, appreciating the constant difficulty we have around the perpetual lack of resources in public police services?

Mr. Creamer: That is one of the initial problems. Having the police with you at all times when you are performing your duties is not something that's available to you. In my time as a police officer and in my time with this department, I've always taught my new people that you're going to know you are in trouble after the trouble starts.

1030

To arm them insofar as perhaps batons or pepper spray is a slippery slope. There are situations where that might be advisable, particularly in animal services where they're dealing with what they refer to as bite sticks, which are similar to a baton. A bite stick is a device that's used when the dog is attacking to give it something to chew on, other than your arm or your leg. A lot of times, these come in the form of a collapsible baton quite similar to the ASP that the police carry.

The Chair: I would now ask Mrs. Sandals, who is the MPP for Guelph–Wellington.

Mrs. Liz Sandals (Guelph–Wellington): First of all, let me comment that, clearly, it is not the intent of the bill to draw in cohorts of people who do different sorts of work, because what you're describing is not primarily either private investigator work or security work.

You are presuming that a solution is needed, and I think we need to go back and look at whether that's the case, but your solution is to include a whole host of people within the definition of "peace officer." If I'm understanding you correctly, the people you want exempted are already given authority to do their job under some other bill—for example, the Municipal Act or the Building Code Act. Is that right?

Mr. Creamer: That's correct.

Mrs. Sandals: So you're deriving your authority from some other act already.

Mr. Creamer: Correct.

Mrs. Sandals: So, rather than making a whole bunch of people who are bylaw enforcement officers into peace officers—which seems to me to be almost confusing things—why wouldn't you simply say, "If you're already authorized to do your job under the Municipal Act or the Building Code Act, carry on"?

Mr. Creamer: Because, to my mind, the definitions that are set out in Bill 159 leave a gaping hole that you can drive a truck through, as far as the appeal courts are concerned. By not listing them specifically, the sad experience has been that the appeal courts will often find loopholes, will find little ways through to come up with very strange interpretations that were never intended in the first place. That way, by putting them and listing them, you're not defining them as a peace officer for any other purposes other than to say that they are exempted from the requirements of Bill 159. I would hate to see a charge laid by a property standards officer thrown out of court because they were not acting as a peace officer because, in fact, they should have been a security guard, and opening the municipality to a lawsuit.

The Chair: Thank you, Mr. Creamer, for your testimony, your written submission and your presence.

CANADIAN ASSOCIATION OF CHIEFS OF POLICE

The Chair: I would now invite our next presenter to please come forward: Mr. John Kopinak of the Canadian Association of Chiefs of Police.

Mr. Kopinak, as you've heard, you have 15 minutes in which to make your presentation. Remaining time will be distributed evenly among the parties afterward. Welcome, and please begin.

Mr. John Kopinak: Thank you, Mr. Chair. Good morning to the committee. My name is John Kopinak, member of the private sector liaison committee of the Canadian Association of Chiefs of Police, retired chief of police from the Chatham-Kent Police Service.

The comments I provide this morning have been provided in the brief for the members, and I'll be following those comments, as provided in the text.

First of all, Mr. Chair and members, on behalf of the private sector liaison committee, a subcommittee of the Canadian Association of Chiefs of Police, I would like to extend our appreciation for the opportunity to present at this hearing this morning and provide brief comments on Bill 159, the Private Security and Investigative Services Act, 2004.

At the onset, I can assure you that this proposed legislation is well supported in a broad sense by our subcommittee of the CACP, whose members represent law enforcement services and corporate security functions across Canada. Additionally, I'm given to understand that our peers in the Ontario Association of Chiefs of Police and other stakeholder groups specific to the province of Ontario also concur.

In moving forward toward establishing regulations which will form the framework for this legislation, I would like to provide comment relative to the following items:

Under the definition of "security practitioner": A substantial number of our corporate affiliate members within the CACP are mandated by either federal standards or general practice guidelines to maintain critical infrastructure security protection or investigative services. In this regard, individuals with former law enforcement training and expertise are hired as employees of a corporation and are assigned the tasks necessary to comply with due-diligence applications.

In many cases, these investigators or security practitioners operate from a corporate head office situated outside our province and are deployed on an incident-based program as needed, since affiliate corporate entities are located here. In other situations, corporations that are situated within our province have specifically, since 9/11, enhanced security monitoring of certain functions within their operations by assigning business unit managers with specific security protocols in order to establish a layered networking plan, which is co-ordinated by the resident corporate security chief designate.

Historically, all these investigative positions at the corporate level in both scenarios are plainclothes and non-uniform placements. Business unit managers following security protocols for their business unit are plainclothes positions, and besides their usual duties and responsibilities, they have the added responsibility to manage security protocols as the first point of contact and primarily deal with security breaches or internal issues.

Mandatory certification and licensing for both these types of security designates will have financial implications for corporations as well as deployment restrictions and deployment challenges. Such mandatory certification and licensing also contradicts federally mandated security provisions for many of our stakeholders, since there is no obligation nor reference to deploy licensed practitioners to fulfill federal protocol standards. I add that these individuals, as described, would not interact with the public for the most part, since their focus is primarily with employees of the corporation. Any outside public interaction will normally involve local law enforcement. Our recommendation, therefore, is to develop a regulation that accommodates individuals assigned to security roles as illustrated without the onus of compliance for licensing.

In mandatory training, again, corporations recruit and hire, as a general practice, experienced candidates for their corporate security role who possess previous law enforcement expertise from either the municipal, provincial or federal level. The roles of these individuals are primarily investigative plainclothes positions within the corporate entity dealing with internal breaches.

Given the past experience and training of these individuals by their former law enforcement agency, an accreditation component needs to be considered within the regulation. Such provisions will allow for issuing credits toward overall certification criteria if the training standard has been previously met by this individual through his or her employment history. This will provide those individuals who have previously qualified under stringent guidelines in their law enforcement career an opportunity to be exempt from a basic, repetitive process primarily geared for recruit-type private security uniform positions. Our recommendation, therefore, is to identify the option of accreditation through the regulation in the area of training for candidates who have past experience in the law enforcement profession that meets the benchmarks of any proposed training standards.

In regards to the heading of external regulatory dialogue, I believe this committee is aware that the provinces of Manitoba, Alberta, British Columbia, Nova Scotia and Quebec are presently involved, as is Ontario, in regulatory reform initiatives dealing with private security legislation. The Law Commission of Canada sponsored an international conference in 2003 in Montreal at which provincial security regulators from across Canada met together as a group. Our committee understands the dialogue between these regulators has been maintained to some degree. Our recommendation in this regard is to ask that provisions be put in place to ensure and encourage continued interaction and discussion among the provincial security regulators across Canada in order to maintain continuity in potential regulatory reform, where possible.

In summary, as our committee goes forward, be advised the private sector liaison committee of the Canadian Association of Chiefs of Police will continue with dialogue and research on all legislative information

disclosed by provinces involved in regulatory revision of private security legislation. The private sector liaison committee will develop a formal written resolution to be filed with the CACP membership as a whole at next year's conference for discussion and endorsement.

Some components of Bill 159, specifically the proposed code of conduct and the public complaints process, are areas which will be reviewed, especially in how they relate and apply to corporately employed investigative staff dealing with in-house issues.

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We also ask for consideration, through this committee, to participate as a member of the minister's advisory committee, as a resource for future deliberations and discussions.

I thank you again, Mr. Chairman and committee members, for the opportunity to appear before you today. I'm prepared to answer any questions, should there be any.

The Chair: Thank you, Mr. Kopinak. We'll begin with Mr. Kormos.

Mr. Kormos: Thank you very much. Your recommendation on page 3 is one that has been spoken of earlier in these hearings and is one that I'm really hoping this committee heeds.

You're a long-time police officer, a chief of police. I have to agree with your proposal that the Canadian association be involved in the regulatory advisory process, because of the interprovincial element. Again, I hope it's something that the government members take back to the minister.

One of the tensions in these hearings that has been consistent is between the private security companies that operate the more proactive, aggressive—the parapolicing, I call them—private policing and the Police Association of Ontario, the Ontario Association of Chiefs of Police and the Ontario Provincial Police Association. You've been a police officer at all levels. I am very concerned when I hear about private security guards doing drug busts, for instance, at the Eaton Centre. What do you say to that?

Mr. Kopinak: I think there has to be a relationship established. The opportunity with the current state we're in, in looking at this piece of reform, is to make sure that the private security legislation complements the public security, and clearly recognize that there are standards and responsibilities within the framework of their duties that have to remain in the realm of the public police officers, professional police officers. I think that's a very important point. If not, I think that we can open ourselves for other concerns.

Mr. Kormos: Further, what about private security guards and their possession of either weapons or tools, I'll call them, like handcuffs? Where would you draw the line there? Would you have varying degrees of weaponry possessed by a private security officer or would you say that, no, it's for trained police officers?

Mr. Kopinak: We have some issues now, especially in the armoured business of handling finances and cash,

certain situations, where members comply. I think it's a training component. I would refer the committee: There is a continuum on the use of force, a very accepted Ontario model that is taught through the Ontario Police College, called the use-of-force continuum, in which there are certain levels of force and certain items—a baton etc.—that can be associated with that use of force.

Mr. Kormos: Perhaps Mr. Fenson can get that for us.

The Chair: Sure. Thank you, Mr. Kormos. We'll move to the government side and Mr. Delaney.

Mr. Bob Delaney (Mississauga West): Thank you for coming in and for a very interesting and thoughtful deputation. I'd like to ask you two questions based on your remarks. You state that mandatory certification and licensing will have financial implications for corporations, as well as creating deployment restrictions. You also state that the focus of the individuals is primarily with employees of the corporation.

Corporations routinely employ such professions as accountants and lawyers, and even trades such as plumbers and electricians, whose regulation is provincial, even though the corporation's scope is national. On the second point, employees remain entitled to their basic freedoms and rights, even though they may choose employment with a corporation. So I'd like to ask you, could you please elaborate on what appear to be inconsistencies in your remarks?

Mr. Kopinak: The issue that surfaces here is the fact that, since 9/11, to establish this layered networking of security, many business unit managers, especially in the energy, power and airline industries, have been added as a component of a security protocol for the purposes of being the first report to the corporate security chief. The network becomes that much more expansive for enhancing security provisions.

Technically, by the security practitioner definition that's currently in the legislation, that individual operating in that role would have to be trained, would have to be certified and would have to be licensed. That's where the financial implications come in for a company that may have 40 to 50 of these individuals in that role, or that function would have to be supplemented by a licensed, formally approved security company operation. That's one of the issues.

The second application is, many of our members have offices, especially in the airline industry and the energy industry, and travel here to Ontario for incident-based investigations, but the individuals are based out of the province of Ontario. They would be here for investigative reasons. When they enter the province, this definition would ensure that they must then get licensed and comply to operate in their role as an investigator, notwithstanding that they are transient to this province and housed in a different location.

Mr. Delaney: Who should, ideally, deliver training?

Mr. Kopinak: We have a lot of—not only government from the police college experience that I've had and where they've progressed, but we have a lot of individuals who have been involved with law enforcement.

There are private sectors out there that can offer it. The community college level is one option. The standards are the main thing. As long as we have a menu and a checks-and-balances system to ensure that it's consistent and it's to that level of expertise, the provider of that training, I think, could be diversified across the province through several sources.

The Chair: Now Mr. Arnott.

Mr. Arnott: You're in a position to comment on the regulatory component of security guards across the country. You've mentioned that the provinces of Manitoba, Alberta, British Columbia, Nova Scotia and Quebec are presently involved as well in this objective. Quite frankly, looking at the provinces you've listed, we have governments spanning from what Mr. Kormos would consider to be right-wing governments right through to Manitoba. Are they all going essentially in the same direction?

Mr. Kopinak: Absolutely. That's one of the refreshing points, and that's why in my statement we specifically reference it. Our regulators are talking. Please, let's encourage them to maintain that so we can have some continuity and best practices from one end of this country to the next. Let's all get on the same application.

The Chair: Thank you, Mr. Arnott, and thank you as well to you, Mr. Kopinak, for your deputation for the Canadian Association of Chiefs of Police.

SHERRY CHARETTE

The Chair: I would now invite our next presenter, Ms. Sherry Charette, who comes to us in her capacity as a private individual.

Ms. Charette, I remind you as well, you have 15 minutes in which to make your presentation. As you'll see ably demonstrated, the remaining time is then distributed among the parties afterwards. Please begin.

Ms. Sherry Charette: I want to thank everybody for allowing me to be here. I'm not going to take up too much time and I'm not going to refer to the document. You can always look at that afterwards.

As a security officer, I wanted to talk about the misconception about the security industry and security guards. If you've seen the movie *Field of Dreams*, you'll understand my reference to, "If you build it, they will come," but unfortunately not in this case. You can make all the changes to the act, but implementing the changes will be the difficult part. In some places, I find, the recommendations are very vague.

There are too many unanswered questions surrounding training, who will pay for it, how it will affect those already in the industry, not to mention the misconception that if you regulate only training and there is an influx of highly trained guards, that in itself will increase the wages. I can guarantee that that will not happen. Look at the example of British Columbia. I have a degree in law and security which has provided me no greater benefit. I've been with the same company for 11 years. Along with the regulation of wages—I'm looking at the Quebec

decree—in order to provide a stable industry of trained individuals there must be job security through successor rights.

I work for a company who uniforms us so that we don't look like police; neither do our patrol cars. So I'm in agreement with implementing the changes for that act. There are many companies out there who try to fool the public into believing that they're police officers through their uniforms or patrol vehicles.

1050

The word "officer," referring to a security officer, I don't believe has ever been misconstrued by anybody to imply that we're anything but security guards. I find it simply more a respectable term being a security officer than a security guard.

I am thoroughly opposed to a code of conduct. We should not be held to the same high standards as police, because we're not. The same reason for the changes to the uniforms and the cars: We are not doing police work and therefore we should have different standards. We work in an industry that is afforded little respect. We are seen as the company snitch or as little more than an insurance deduction.

The Shand inquiry highlighted the deficiencies in the security industry, but just changing the act won't fix these deficiencies. We need to answer the questions about training. We need to stop the race to the bottom, where contracts are won or lost over a few cents. I wish we were talking dollars, but we're not. I've seen contracts lost on a penny per hour.

Clients and the public want highly trained individuals for rock-bottom prices. That's it. In reference to the two gentlemen who spoke prior to this, I do not want handcuffs; I don't want pepper spray. My job through my company is to detect, deter by my presence and report. I am not a police officer. If I wanted to be a police officer, I'd go and join the police force. I'm a security guard. I protect the site that I'm assigned to.

The Chair: Thank you, Ms. Charette. You've left a generous amount of time for questions. We'll start with the government side. Ms. Sandals.

Mrs. Sandals: I was interested in your comments about not wanting a code of conduct. The code of conduct would presumably be appropriate to the expectations of a security guard or a private investigator, as the case may be, not the code of conduct that would be appropriate to a police officer. I'm wondering why you're opposed to a code of conduct.

Ms. Charette: I think that that section in the act leaves too many questions for me. If you're talking about being in the wrong place at the wrong time because, through association, you go out to a bar afterwards and, I don't know, you happen to get arrested, I suppose those are questions that I have concerns about. Losing my licence because I'm in the wrong place at the wrong time: Certainly if I was out there doing something illegal, then I should lose my licence, absolutely. But there are too many questions, and that area is very vague for me. So that's why I'm opposed to it.

Mrs. Sandals: So are you suggesting that there shouldn't be a criminal reference check? That's apart from the code of conduct.

Ms. Charette: We already have that. As a security officer, I have to have an OPP renewal licence every year that checks my background. Absolutely; I'm not opposed to that. I do it now. Like I said, there are so many unanswered questions. I understand, somewhat. The code of conduct that the police are held to is very strict, limiting their actions after their working hours. They seem to be always on the clock for code of conduct, and that is a concern that I have as a security officer.

Mrs. Sandals: So what you're saying is you don't want a code of conduct that applies 24/7; only when you're being paid?

Ms. Charette: Absolutely.

The Chair: Are there any further questions from the government side? Seeing none, Mr. Arnott.

Mr. Arnott: Just to follow up on Mrs. Sandals's question, I would think that a code of conduct, assuming that security guards had some input into it, would be something that could enhance your professional status and hopefully it could be something that would be embraced by most security guards in a positive way.

Ms. Charette: I've never had a problem with my conduct on my job, while I'm working, or afterwards.

Mr. Arnott: I'm not suggesting you have.

Ms. Charette: No, no. I didn't mean that at all. I guess I look at the code of conduct that police are held to, the standards that they're held to, and that is a concern. Like I said, if I'm in a bar where the police come in and arrest me because I'm there at the wrong place at the wrong time, it would prevent me from getting a licence, and this is my job. I plan on doing this until I retire or I can't work any more. I guess if that's under the code of conduct and I lose my licence because of that, I have a big concern for that.

Mr. Arnott: So you'd be most concerned about prohibitions on after-hours kinds of activities.

Ms. Charette: Absolutely. We should all be accountable for our actions during working hours, certainly, but afterwards, I don't find that.

The Chair: The Chair yields the remaining nine minutes to you, Mr. Kormos.

Mr. Kormos: Thank you, Chair. Ms. Charette, I think your code of conduct comments should be listened to very carefully. We may hear yet again from police officers, because police officers have been subjected to a code of conduct that impacts their private lives as well as their role as police officers. Over the course of years, there have been some changes in how that is approached, with the recognition that cops are people too. For instance, they have problems at home, any number of things. Far too often in the past—and correct me if I'm wrong—police officers have been persecuted for something that was purely personal—conflict within their home—and an aggrieved party might use that as a means of attacking that police officer's capacity to perform his or her job.

I think what you're cautioning us to do is be very careful. To me, André Boisclair, the fellow aspiring to be the leader of the Parti québécois in Quebec, who was doing lines of coke off his cabinet desk, doesn't have as high a code of conduct. Surely, at \$9.57 an hour, we can't expect security guards to have an overly rigorous code of conduct that doesn't impact their ability to perform their job with integrity. Is that what you're saying?

Ms. Charette: Absolutely.

Mr. Kormos: All right. Let's talk about these wages. I want to talk about wages, and I want to talk about the identification. I think that's an important issue too, and it's the first time it has been raised, because there is the need to identify yourself as a security guard when asked. Let's talk about that first. Would you be prepared to give an identification number?

Ms. Charette: Yes. There's actually a number on our licence.

Mr. Kormos: Would you want it to be universal that no security guard could have a personal identifier, like a surname, on the licence they produce for identification, or only those who request the exclusion?

Ms. Charette: I never really gave that too much thought, other than the one part I saw in the act about being able to get a person's name or number and call in and find out their status. I have concerns about that. In 11 years, nobody has asked to see my licence, so I don't know that it's really a big issue that somebody has a surname. There should be a number—absolutely. There are pictures on a security guard's licence right now. I'm not exactly sure what you're asking me.

Mr. Kormos: What I'm trying to make clear is that you just want to protect yourself against some wacko who is going to track you down through the phone book or a city directory.

Ms. Charette: Exactly.

Mr. Kormos: I think that's a very valid reason.

Ms. Charette: Anybody can come up and ask me for my licence, but nobody other than my company really knows my status. There is not a phone number somebody can call right now and say, "I have this name. Is this person a security guard?" Using that, they can get more information.

Mr. Kormos: You're only the second front-line, sort of bona fide security guard we've heard from. I remember Mr. Caron in Toronto: a very interesting insight, and yours too.

This \$9.57 an hour—do you pay annually for your licence?

Ms. Charette: Actually, no. I'm unionized, so I'm lucky. I pay only \$15 and get reimbursed through my company. They pay the difference.

Mr. Kormos: Was that as a result of negotiations?

Ms. Charette: Absolutely.

Mr. Kormos: What about your uniform?

Ms. Charette: The company pays for that as well.

Mr. Kormos: As a result of negotiations?

Ms. Charette: Absolutely.

Mr. Kormos: God bless the Steelworkers.

Ms. Charette: There are some companies out there—I know of one in particular—that when you get hired, you have to pay out. Your first paycheque is deducted \$200—that’s your licence and uniform—just to get a job making maybe \$8 an hour.

Mr. Kormos: Do you know what your employer company bills for your work, or are you dealing directly with your employer?

Ms. Charette: I don’t know the direct bill rate, but I think it might be around \$2 higher than they’re paying us. It’s very minimal.

Mr. Kormos: Are we going to attract people like you—quality, committed people—who say, “I want this as a career,” with new and higher standards but with pay rates at \$9.57 an hour?

Ms. Charette: Absolutely not. The only reason I got involved in the security industry was through the training, the law and security degree. The course was over \$2,000; I think it was close to \$5,000. I was lucky to be able to get that course. I wanted to get into corrections. At the time, no jobs were being offered to me, so I decided to step into the security industry.

At the wages I’m making now, I’m above minimum wage, but granted, if I lose my site tomorrow, I’m potentially going to a site that could be \$7.70 or \$8 an hour. You can’t survive on that. With the training I have, I stay only because of my involvement with the union. That’s the only thing that has kept me here; it’s not the wages.

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Mr. Kormos: One of the things that we in Canada should be proud of is that police officers are reasonably well paid. One of the reasons we have that tradition of well-paid police officers is because it avoids some of the notorious problems in other parts of the world, where police officers are grossly underpaid and simply can’t support themselves on their salaries. That means they begin to risk compromising their integrity. If we’re going to ask security guards to adhere to yet a higher standard of integrity, yet we only pay them \$9.70 an hour, it’s pretty unrealistic to call upon people to, for instance, protect very valuable property, like a warehouse full of iPods or designer jeans or something; it really is. They’re not dealing with boosters; they’re dealing with organized crime. These are the people who rip off warehouses, for instance, and they’ll go to any length to compromise a security guard. I’m not suggesting that security guards are compromised easily, but if you’re only paid \$9.70 an hour, one begins to understand. I think we in this committee had better reflect on whether we value the work you do, that you keep not just property safe but you keep me safe in my workplace, and pay you accordingly.

The Chair: Thank you, Mr. Kormos, and thank you, Ms. Charette, for your deputation.

MUNICIPAL LAW ENFORCEMENT OFFICERS’ ASSOCIATION

The Chair: I would now invite our next presenter, Ms. Brenda Russell, president of the Municipal Law

Enforcement Officers’ Association. I remind you, Ms. Russell, that you have 15 minutes in which to make your presentation, with the remaining time to be divided evenly amongst the parties. Please begin.

Ms. Brenda Russell: Mr. Chairman, members of the committee and ladies and gentlemen, thank you very much for the opportunity to speak before you today. My name is Brenda Russell. I am the president of the Municipal Law Enforcement Officers’ Association of Ontario. The Municipal Law Enforcement Officers’ Association was incorporated in 1985 and currently represents over 1,200 municipal law enforcement officers throughout the province of Ontario. I personally have been involved in municipal law enforcement with the city of Barrie for more than 23 years.

Bill 159, An Act to revise the Private Investigators and Security Guards Act, has been proposed primarily with the intention of more strictly regulating the industry of private investigators and security guards, as commonly known, throughout the province. However, the proposed bill appears to potentially and inadvertently capture certain municipal employees and other individuals engaged in the enforcement of certain municipal bylaws, provincial statutes and regulations. It is for this reason that I make representation before you today.

Generally speaking, municipal law enforcement officers are appointed by municipal councils under the authority of subsection 15(1) of the Police Services Act, which states, “A municipal council may appoint persons to enforce the bylaws of the municipality.” By virtue of an appointment under subsection 15(1), subsection 15(2) of the Police Services Act deems that such “municipal law enforcement officers are peace officers for the purpose of enforcing bylaws.” Clause 2(7)(c) of Bill 159 would therefore exempt such individuals from the provisions of Bill 159.

The Dog Owners’ Liability Act clearly establishes in section 12, “For the purposes of this act, the following persons are peace officers:

- “1. A police officer, including a police officer within the meaning of the Police Services Act, a special constable, a First Nations constable, and an auxiliary member of a police force;
- “2. A municipal law enforcement officer;
- “3. An inspector or agent under the Ontario Society for the Prevention of Cruelty to Animals; and,
- “4. A public officer designated as a peace officer for the purposes of this act.”

These individuals will also be exempt from the provisions of Bill 159.

The designation of individuals appointed or authorized as peace officers under these acts is clear and distinct. However, there are a number of individuals employed by municipalities and agencies who are appointed, designated or otherwise authorized under a variety of other legislative authorities. Their duties include the monitoring, patrolling, inspecting or investigating of property not owned by the municipality or agency for the purpose of

enforcing the provisions of those bylaws, statutes, regulations or other relevant legislation.

The Building Code Act, subsection 3(2), states, “The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this act in the areas in which the municipality has jurisdiction.” The Building Code Act, however, does not designate such appointed individuals as peace officers for the purpose of enforcing the provisions of the Building Code Act.

The Line Fences Act, section 2, provides that every council of a local municipality “shall by bylaw appoint such number of fence-viewers as are required to carry out the provisions of this act...” The act does not designate such individuals as peace officers for the purpose of carrying out the provisions of this act.

The Fire Protection and Prevention Act, subsection 11(1), states:

“The following persons are assistants to the fire marshal and shall follow the fire marshal’s directives in carrying out this act:

“(a) the fire chief of every fire department;

“(b) the clerk of every municipality that does not have a fire department;

“(c) any member of a fire prevention bureau established by a municipality; and

“(d) every person designated by the fire marshal as an assistant to the fire marshal.”

Part V, subsection 13(1) of the act provides that:

“A firefighter or such other person as may be authorized by the fire chief, the fire marshal or an assistant to the fire marshal may, without a warrant, enter on lands or premises....

“(b) that are adjacent to the lands or premises on which there is a serious threat to the health and safety of any person or the quality of the natural environment, for the purpose of removing or reducing the threat.”

The Fire Protection and Prevention Act does not designate assistants to the fire marshal as peace officers for the purpose of the enforcement of the fire code and carrying out of duties under the Fire Protection and Prevention Act.

The Livestock, Poultry and Honey Bee Protection Act, subsection 4(1), provides that “The council of every local municipality shall appoint one or more persons as valuers of livestock and poultry for the purposes of this act.” It requires that such valuers immediately make full investigation of any claim that an owner’s livestock or poultry has been killed or injured by a wolf or by a dog other than the owner’s dog. The valuer is required to make a report within 10 days thereafter to the clerk of the municipality, giving in detail the extent and amount of the damage and his or her award thereof, and shall at the same time forward a copy of the report to the owner of the livestock or poultry. The Livestock, Poultry and Honey Bee Protection Act does not identify the valuer as a peace officer for the purpose of carrying out this act.

It is important that the legislation be distinctly clear. It is therefore the respectful submission of the Municipal

Law Enforcement Officers’ Association of Ontario that Bill 159, subsection 2(7), be amended to include an additional exemption for peace officers, that specific exemption perhaps to read: “any person appointed or designated for the purpose of enforcing the bylaws of a municipality, provincial statute or regulation.” This would be in addition to the current exemption for a peace officer. The inclusion of this phrase within the non-application section will clearly exclude such municipal employees and other individuals, including building inspectors, zoning inspectors, property standards officers, fence-viewers, assistants to the fire marshal, and live-stock valuers, who are enforcing bylaws, provincial statutes and regulations from the provisions of Bill 159.

In closing, I would like to comment that the Municipal Law Enforcement Officers’ Association is committed to maintaining a high standard of professionalism, training and accountability within our industry, and we respectfully offer our assistance with respect to future legislative reviews and development. Thank you.

The Chair: Thank you, Ms. Russell. We begin with Mr. Arnott.

Mr. Arnott: Thank you, Ms. Russell, for your presentation. I apologize; I had to make a telephone call there and I missed the first part. I was wondering, Mr. Chairman, if I could stand down my question in rotation so as to allow me to briefly go through this.

The Chair: Sure, if the committee is agreeable, which I assume it is. Mr. Kormos.

Mr. Kormos: Thank you, Chair, and thank you very much, ma’am. Mr. Creamer earlier this morning made some similar observations, and I think they’re too important to simply assume, “Oh, well, that isn’t what’s intended.”

Of even greater interest, though, is, for instance, your reference to the Dog Owners’ Liability Act: “For the purposes of this act, the following persons are peace officers...” Again, some lawyer somewhere—those damned lawyers—may well find himself or herself arguing that that very clearly means for the purpose of the Dog Owners’ Liability Act.

Clearly, I think everybody here on this committee agrees that the class of persons that you describe in the final part, a “person appointed or designated for the purpose of enforcing...” etc, are people who should be exempted from the statute. It can either be done by saying, “In this statute, ‘peace officer’ means any person appointed,” or the exemption can be added to the list of exemptions—either way. I think that would add clarification, avoid confusion and recognize the capacity of those statutorily sourced bodies and persons to be regulated and controlled from within that statutory source.

All I want to add is that someday, when I’m much older and there’s no room for me at the Legislature any more, if I can get a job as a fence-viewer—anywhere, northern or southern Ontario—I think I could do that. I don’t whether my colleagues would agree, but I think I’d make a good fence-viewer in 10 or 15 years’ time. I don’t know; will you vouch for me?

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*Interjection.***Mr. Kormos:** Arnott wants to see it happen sooner.*Interjection.***Mr. Kormos:** That's right: Every fence in Ontario would have a bent to the left. Very good.

Thank you very much. Those are very important points to be made in addition to your colleague Mr. Creamer's earlier.

The Chair: Thank you, Mr. Kormos, and with that professional aspiration I'll turn it to the government side. Ms. Sandals?**Mrs. Sandals:** You've actually raised a similar issue to Mr. Creamer, but you've taken the opposite sort of solution, that instead of making everybody a peace officer, you're exempting everybody who is enforcing a municipal bylaw. Do you want to comment on why you've made that particular recommendation?**Ms. Russell:** The proposed legislation, Bill 159, uses the exemption of a peace officer within the legislation, and I think the fact that there are other legislative authorities that deem individuals—bylaw enforcement officers, individuals enforcing the Dog Owners' Liability Act—peace officers draws them naturally into that exemption. The fact that other individuals enforcing bylaws or provincial statutes or regulations, as the case may be, are not specifically identified as peace officers within the respective legislation therefore captures them outside of an exemption. I think that—and as I heard stated in some of the previous comments—if it is the desire of the government, there is potentially room to deal with training or regulatory provisions for those individuals involved in enforcement, peace officers who are not police officers. I think that's a very distinct and separate element that we would want to contemplate as opposed to inadvertently capturing it within legislation that I believe was not necessarily intended to capture those individuals who, just by virtue of legislation, haven't been identified as peace officers.**Mrs. Sandals:** If I can just ask one quick follow-up question, when I look at the amendment you have proposed—and thank you for proposing a specific amendment, because that's quite useful to contemplate—I'm assuming that when you're talking about "any person appointed or designated for the purpose of enforcing the bylaws," you're contemplating that that person would be designated or appointed under the authority of some other provincial act.**Ms. Russell:** That is correct.**Mrs. Sandals:** So it isn't that the municipality could start pulling people out of the air; it would be that some other provincial statute would already need to be outlining the authority.**Ms. Russell:** That is correct. It would need to be authorized by that specific legislative authority.**The Chair:** Mr. Arnott?**Mr. Arnott:** Ms. Russell, in your presentation you indicated that you believe that the municipal employees were inadvertently captured by the application of Bill

159. What led you to draw that conclusion? Perhaps the government was doing it deliberately.

Ms. Russell: And they may have. It is my conclusion. In consultation with our board of directors, it was a general belief that it was an inadvertent capturing. The reason that I believe it was inadvertent is because of the exemption for peace officers. I think that there is a recognition that separate and apart from police officers, which would not be captured within the legislation, as an example, there is another component of enforcement that exists within the province, that being by peace officers, and that very exemption leads us to believe that it was inadvertent that those individuals who may not necessarily be specifically identified as peace officers were being otherwise captured.**Mr. Arnott:** In conversations you may have had with ministry officials, have you drawn a conclusion that the government is prepared to move forward with the amendment that you're asking for?**Ms. Russell:** I'm not aware of that, no.**The Chair:** Thank you, Ms. Russell, for your deputation from the Municipal Law Enforcement Officers' Association.

INTERCON SECURITY

The Chair: I would now invite our next presenter, Mr. Mike Fenton, the director of consulting and client support for Intercon Security Ltd. I'm reminding you, Mr. Fenton, that you have 15 minutes distributed afterwards, as you have seen. Please begin.**Mr. Mike Fenton:** Good morning, Mr. Chairman. Good morning, committee members. Thank you for allowing me to present this morning.

Our industry, in our view, definitely does require upgrading and we welcome the potential for improvement that Bill 159 brings. However, we are concerned that Bill 159 in and of itself does not specifically address many of the areas that require improvement. Many areas of vital interest to our industry such as training and uniforms will be addressed by the regulations. We would prefer that all significant issues actually be addressed by the legislation. We believe that this would provide a more solid planning base for our industry.

Licensing of all security guards is a positive step, which likely will create economic opportunities for us. Our concerns are:

Locksmiths, security consultants and providers of electronic security systems still do not require a provincial licence. The new licensing requirements should cover all security providers, especially those who have access to sensitive information and knowledge of how to compromise locks and alarm systems. Many locksmith and alarm company employees are frequently in residences, art galleries and other places where property of high value is kept. More importantly, they are frequently in circumstances where they are left alone with clients and they often work in close proximity to children. If the committee has not already done so, it should review the findings of the Klees commission in this regard.

One of the testimonies that was heard at the Klees commission was from a woman who had a locksmith in her home and it was 4 o'clock on a Friday afternoon. She was going to her cottage. She wanted to have some lock work finished before the locksmith had to leave. She offered him additional money and additional money, and eventually the locksmith said, "I have to leave because I have to get back to the penitentiary by 5:30."

We are also concerned that the legislation makes no mention of infrastructure to support the new licensing program. We need an industry infrastructure that will result in a fast licence turnaround. Currently we wait on average five to 10 working days for the issuance of a current licence. We would like to see this reduced to two to three days for the new licence. Funds for the new licence should support the infrastructure needed to facilitate this.

We concur with the training requirements and the use of the CAN/CGSB-133.1-99 training standard for security guards and supervisors. That's a total of 80 hours of training. We agree with that. Similar training requirements and an appropriate standard are also required for private investigators. The American Society for Industrial Security has a certified professional investigator program. We think that would be applicable for private investigators here in the province.

Security industry clients and employees both need specific skills and development recognition. For this reason, we recommend that the Ministry of Training, Colleges and Universities administer the training requirements. There should be a relationship between the Ministry of Training, Colleges and Universities and the private investigators and security guards branch which would ensure that security guards and private investigators have received the appropriate basic training from qualified providers before receiving their licences.

In addition to the Canadian General Standards Board training, we recommend the development, approval and implementation of industry-wide training standards for the following: A non-violent crisis intervention and tactical communication course should be mandatory for all security guards working in public access environments such as shopping centres within the first 90 days of their employment; use-of-force/basic self-defence training—the use-of-force continuum model would be acceptable to us; handcuffs and restraints, which are in wide use throughout our industry already; batons and firearms.

We are also prepared to assist in the development of the above-noted training standards and where existing programs are in place, the standards development committee should attempt to utilize them.

Uniforms: Before I get into uniforms, I understand the concerns about police officers being confused with security guards and vice versa. I've been in the Canadian security industry for 31 years, 15 of them as the director of operations for Intercon in Toronto where at the moment we have about 1,400 security guards. I have personally only ever fired one security guard in all that time for impersonating a police officer. I don't think this

is that big an issue. However, police and security uniforms should be clearly labelled, both front and back, to eliminate any potential for confusing the general public. We are not in favour of changing uniform colours. We currently use black uniforms for some guard categories. This is because dark uniforms improve a security guard's safety while conducting after-dark exterior and interior patrols. They also provide improved safety of our operatives while investigating intrusion alarm scenes after dark. We currently have about \$700,000 tied up in uniforming and any colour change will be very expensive.

Vehicles: Marked police and security vehicles should both be clearly labelled to eliminate any potential for confusing the public. The regulations should prohibit security company vehicles from utilizing graphics and/or colour schemes that closely resemble the local police or provincial police. The regulations should specify "security" labelling on all sides of the vehicle, a minimum common font size and the use of light-reflective decal materials such as Scotchlite.

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Since the standard base colour for marked police vehicles is white, we recommend that the regulations specify dark-coloured vehicles only for use by security companies. The regulations should prohibit security companies from further deployment of all light-coloured vehicles. All existing light-coloured security vehicles should be allowed to remain in use, we think, for a reasonable time, such as three to four years.

Armoured car services: Armoured car services do not appear to be addressed by Bill 159 or the accompanying regulations. We recommend that they be subject to similar licensing and training standards as the rest of the security industry, and in the interest of consistency, they should be administered by the private investigators and security guards section of the policing services division.

Armed guard services: Presently, many aspects of armed guard training, weapons management, and assignment approval are not managed by the private investigators and security guards section, policing services division. This leads to armed guard providers in effect dealing with two different official bodies.

We believe that the utilization of only one official body would reduce our administrative burden and ensure that armed security guards meet all provincial licensing requirements and result in centralized management of all security guards and better administrative follow-up of public complaints against armed security guards.

We believe that it is in the public interest to bring the administration of armed security guards and unarmed guards together under the private investigators and security guards section, policing services division. We are prepared to assist in developing training standards, assignment criteria and coverage guidelines, such as the number of armed guards required at various types of assignments.

Also, Bill 159 should grant security companies the authority to use armed guards at certain types of assignments that meet specific criteria. A situation exists at

present whereby expensive paid-duty police are used to provide security coverage that could be provided by less expensive armed security guards. This would provide financial savings to jewellers and other businesses with requirements for armed security. It would also create employment opportunities for armed guards.

That's the end of my presentation.

The Chair: Thank you very much, Mr. Fenton. We'll start with the government side.

Mrs. Sandals: It was interesting that you mentioned in sort of your standard issue things that training should include firearms. Are you suggesting that large numbers of security guards or private investigators would be carrying firearms?

Mr. Fenton: What we're suggesting is that, at the moment, a small number of security guards do use firearms. We think that if you're going to look at the whole act, the whole industry at one time, it should be centralized and there should be a universal standard applied across the industry. That's our point.

Mrs. Sandals: So you're suggesting everyone who's a security guard should be trained to use firearms?

Mr. Fenton: Absolutely not, no.

Mrs. Sandals: So you're simply saying that in the event that people are authorized to use firearms, where they are licensed to carry a firearm, then within a regulation there should be a training requirement if they're licensed to carry.

Mr. Fenton: That's right.

Mrs. Sandals: Similarly, with the baton, then, if they are in some sort of category that would authorize them to carry a baton, there should be a uniform standard for training for carrying a baton.

Mr. Fenton: That's correct. I would say that less than one half of 1% of security guards are currently licensed to use firearms. In our company, it would be that low. It would probably be under 20 out of 1,400. I think industry-wide, that would probably be the same.

As for batons, I would think that probably between 20% and 25% of security guards currently use batons in some capacity. Different properties have different regulations. Some properties allow them only at night, some properties allow them only when there's a report, say, of a pending gang fight or something like that. But yes, a lot of people in the security industry definitely do have training and do use batons.

Mr. Arnott: Thank you very much for making your presentation. You obviously have a great deal of professional expertise and experience to offer the committee. You talked about the turnaround for licensing, and you said it takes weeks instead of days. It should take days.

Mr. Fenton: It should be faster.

Mr. Arnott: Yes. What is the process that the ministry has to undertake in order to determine whether or not the licence will be issued? Is it just a matter of resources, as far as you're concerned, that the ministry's in?

Mr. Fenton: Well, we think it's resources. First of all, we're in favour of licensing, and we think, for example, that this step is going to require hospital in-house security

teams to be licensed etc. Retail shopping centres that currently have in-house security forces are going to have to be licensed.

The current licensing, I think, is partly to do with resources, and I think that's probably the big issue. They did switch from a universal renewal date to company-specific renewal dates—that seems to have helped a bit—but we think that has to be turned around for two reasons. One, it will make our lives easier, and it will also benefit our clients. But when you have a security officer waiting to start in the field, they're not getting paid. So there's an economic penalty, in fact, to the people who are being licensed.

Mr. Arnott: You said that you employ 1,400?

Mr. Fenton: In the Toronto area, plus we employ about another 200 alarm installers and locksmiths.

Mr. Arnott: What is your annual turnover of staff, on average?

Mr. Fenton: It depends. We think that we're the industry leader in Toronto in terms of turnover. I would say that we probably turned the whole company over, maybe 50% of it, within the first two years, something like that.

Mr. Arnott: So licensing new employees is obviously paramount.

Mr. Fenton: It's pretty significant, yes.

The Chair: Mr. Kormos.

Mr. Kormos: I'm interested as well in the exclusion, and in fact whether or not they're excluded—I'm talking about not just providers of electronic security systems, but most specifically a company called AlarmForce, which has been aggressively advertising, where somebody sits in an office and monitors the unit and then interacts via telephone and speakers with whoever is in the house. I can't see the exemption for that type of monitoring in the bill. I'd like either the bureaucratic personnel from the ministry at some point or perhaps you, Mr. Fenton, to provide an explanation of whether or not the AlarmForce types of companies, where there's monitoring—because that seems to fall under the definition of security guard—to confirm that, yes, they are intended to be embraced by the act. But why does the act then ignore the highly sensitive areas of locksmithing and security systems when it might be suitable to bring them all under one umbrella? If you've got codes of conduct, if you've got regulation development, why not bring them all under the same scope?

What's your view? We've talked about, not so much specifically this morning, in-house security. IBC will be coming up next, and I'm sure they'll be addressing the whole phenomenon. You've worked as in-house security, developing in-house security systems, not down on the retail floor where the public has access, but up on the 24th floor. I'm assuming that everything from banks to computer companies have intricate levels of white-collar security—not security guards, but security that performs the functions contemplated by the definition. Do you think they should be included in the licensing process?

Mr. Fenton: Yes, I do, Mr. Kormos. The reason we think they should be licensed is that we think it's in the

best interests of the client. If you hire someone into a security capacity and they don't have a licence, that means they get that job and they basically don't have to have a criminal-record check. These people are going to be exposed to things like keys, money etc. They, in fact, should be licensed as well, in our view, absolutely.

Mr. Kormos: Is it the government's job, though, to protect an employer who's foolish enough to put somebody into a high-level security position without requiring them to do a criminal-record check? Is that the government's job—or the state's job, rather?

Mr. Fenton: I don't want to get into it. It's sort of—

Mr. Kormos: I'm not saying it's the government per se; is that the state's function?

Mr. Fenton: We think that basically anybody who is providing security should have to have a security licence. That's our position on it. That includes management people in large corporations, yes. We think that that security manager is going to be exposed to things like alarm system codes, keys; they're going to know how to disarm alarm systems; they're going to be exposed to schedules of guard movements and things like that. That's a position of trust, and those people should be properly vetted.

Mr. Kormos: Where would you rank your company in Ontario: amongst the top five, top 10?

Mr. Fenton: Top five.

Mr. Kormos: Have you been at the table on the regulation development?

Mr. Fenton: No. We understood from the Law Commission of Canada what was coming. We understood that it was going to be the Canadian General Standards Board. We're quite happy with that, the 40 hours of training; we're in favour of that. We're obviously in favour of licensing in-house. I don't want to put too sharp a point on it. We know that that's going to result in business opportunities for us.

Mr. Kormos: Sure, but there's been discussion from the get-go about at least two levels of licensing: one for the more passive, what I call the traditional guard, the watchperson, and the other for what I would call the parapolicing, and you made reference to the policing function. Do you agree with that? What about the creation of these two classes and the standards?

Mr. Fenton: It's a nice concept. However, here's the situation: At any given time in a large security company, especially given turnover rates—for example, business at Christmas often multiplies by about 20%, so you can very easily end up with one of these passive people in a shopping mall. It's not supposed to happen, but it does happen. It's very easy for it to happen. So there's always going to be that sort of thing.

The other thing is, a lot of people in the security industry want to progress. One of the reasons we think we can keep people in the industry is by training them up and moving them up through the ladder. What that means is that they are going to get more training as they go up the ladder. So dividing them into categories to some extent is going to eliminate some career opportunities for them.

The Chair: Thank you, Mr. Kormos, and thank you, Mr. Fenton, for your deputation on behalf of Intercon Security.

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INSURANCE BUREAU OF CANADA

The Chair: I would invite our next presenter, Mr. Richard Dubin, vice-president of investigative services for the Insurance Bureau of Canada.

As you've seen, Mr. Dubin, you have 15 minutes in which to make your presentation, with the remaining time distributed evenly afterward. Welcome, and please begin.

Mr. Rick Dubin: Thank you very much. Good morning. I'm Rick Dubin, vice-president, Insurance Bureau of Canada, for investigative services. We've also got a written submission that we left today.

The Insurance Bureau of Canada is a national trade organization that represents the strictly private P and C—property and casualty—insurance industry. It represents insurance companies which are licensed in Canada that provide more than 90% of the private home, car and business insurance throughout Canada. It focuses primarily, where we are right now, on organized insurance crime, primarily organized auto theft and organized, staged auto collisions that deal with accident benefits and bodily injury, which tie in the service supplier fraud such as rehab centres. We realize that it has a great effect on innocent policyholders, but very importantly, their lives are in jeopardy. You've seen that 30 or 40 people are killed every year as a result of auto theft. We are involved in the detection and prevention of organized insurance crime and very much to save the lives of innocent individuals, not only from auto theft, but as a result of staged auto collisions where people are injured as well.

The main reason we're here today: Our submission is that under subsection 2(7) of Bill 159, it basically states that the act currently exempts licensed insurance adjustment agencies, insurance companies, and their employees or agents while acting within the usual scope of their employment. Right now, the Insurance Bureau of Canada's investigative services are not included within subsection 2(7). On behalf of the insurance industry and IBC, the Insurance Bureau of Canada, if licensed adjusters, in-house adjusters and independent insurance adjusters basically are currently exempt within subsection 2(7) of Bill 159, we're asking that it be expanded to include the Insurance Bureau of Canada's investigative services. None of these entities, including IBC investigative services, have anything to do in any way with security services. They all work exclusively in investigation of insurance crime, strictly on behalf of licensed P and C insurance companies. We are, as well as the licensed insurance companies, one of the most heavily regulated industries in Canada, both provincially and federally.

Right now, the insurance companies are licensed by FSCO, the Financial Services Commission of Ontario, in

order to basically watch the market conduct of insurers; independent adjusters are in the same boat, and so are we. FSCO has the capability to discipline severely by threatening the licence of independent adjusters, licensed insurers, and to prosecute and involve serious fines. It is therefore asked that the regulation include investigative services. We're also asking—what we consider key—that you maintain the exemption for independent adjusting agencies, for licensed insurers and their in-house adjusters and to include in the exemption as well that investigative services be added to that section.

Very quickly, the IBC is a national trade organization that represents about 90% of the property and casualty industry. In the submission you'll see what the history is. Basically, we have 80 years of investigation. It started as early as 1923, as a result of different bodies that joined together, such as the Canadian auto theft bureau and the fire underwriters' investigation bureau; one dealt initially with auto and the other dealt with fire. Later a number of these merged. The FUIB joined with the CATB, which was about 1940, and when it came to 1973, the FUIB, which actually is recognized in the Alberta legislation on private investigators and security guards—that has exempted both independent adjusters and licensed insurers and their employees acting in the ordinary course of their business as well as FUIB, which basically is us turned into the ICPB or the Insurance Crime Prevention Bureau, which is what we operate today. In 1977, we merged with the Insurance Bureau of Canada. That gives you an idea of where we are today. Our patent name, which still stands, is Insurance Crime Prevention Bureau.

Our main mandate is only to conduct investigations on behalf of member companies to detect and prevent insurance crime, primarily organized. Going back about two years ago, we concentrated more on individual insurance crime, such as property losses and arson—basically exaggerated insurance claims. But with the increase of auto theft, with people getting killed in auto theft, with an increase in organized, staged accidents, which is strictly organized crime—in here you'll see that we have worked internationally with the FBI, with Interpol, NICB, the National Insurance Crime Bureau. It has been proven, and we have cases that show, that organized crime is supporting guns, drugs and terrorist groups today.

Currently, we're dealing with many government agencies, such as the Honourable Anne McLellan's area, because we have a concern at the ports with vehicles being stolen; 171,000 vehicles are stolen every year from Canada. These are high-end vehicles, and they are funding terrorist activities. We also deal with other government agencies, such as the Canada Border Services Agency, in order to stop vehicles from being exported. We work with a number of police forces, and I'll get into that.

Our head office is located in Toronto. Originally, under the Personal Information Protection and Electronic Documents Act, federal legislation, ICPB, which is the patent name, now changed to Investigative Services, was

one of the first of two designated investigative bodies. As long as we act within our mandate to prevent and detect insurance crime, we can investigate matters that even have personal information without the consent of the individual as long as we have reasonable grounds to believe that a Canadian law is being breached, that a contract of insurance with a member company is being or will be breached in terms of committing fraud.

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I should stress that P and C insurance industries have been regulated both provincially and federally through superintendents of insurance, through FSCO in Ontario and federally through the Superintendent of Financial Institutions. We basically are very much subject to market conduct, and there are very serious consequences for independent adjusters and licensed insurers as well as ourselves, since we act strictly on behalf of licensed member insurance companies. They have the right to revoke licences and impose fines.

We're involved in repatriation programs where vehicles are exported to foreign countries—these are high-end vehicles. We work with other countries such as Poland, Lithuania, Panama, Costa Rica and so on—we even got cars back recently from Russia—for the benefit of the public. That is the only service that is outside, which is a fee-for-service, where we want to return the vehicles to the rightful owners.

I should mention that in Ontario and Alberta at one time they were doing what we call “re-VIN-ing.” This means that if they recover a stolen vehicle, they have to identify what the true VIN, the true identification number, of that vehicle is. In both Ontario and Alberta they have turned that process over to us, Investigative Services, because we are experts in the identification of these vehicles. We also work with the provincial auto theft team in Ontario. Two members are with them in order to assist in identifying organized auto ring activity, seizing these vehicles with them and identifying them to prove that they are stolen vehicles.

We lecture, on an ongoing basis, to police colleges, particularly in Atlantic Canada, because we consider ourselves experts in their area. We have 56 investigators across the country; 16 in Ontario. The majority of them are ex-police, with very long service. We realize that auto theft affects Canadians, costing, conservatively, over \$3 billion a year—171,000 vehicles are exported from Canada; 200,000 leave the United States. We work with the National Insurance Crime Bureau in the United States and with other bodies and other police agencies. We have MOUs with several police bodies across Canada, such as the Toronto Police Service, Peel, Guelph, London, Durham, Quebec City, Halifax, and the list goes on.

In Ontario what we're really suggesting is something similar to what exists in Alberta. They included independent adjusting agencies as being exempt within their section in a similar act. In Quebec, which has a new law, they exempted us from training and testing, because of our expertise and background in law enforcement. What we're suggesting as well is that under Bill 159 not

only do you maintain the exemption for independent adjusting firms, licensed insurance companies and in-house adjusters as long as they're acting in the ordinary course of their employment, but that it be expanded to include Investigative Services, previously known as ICPB, which is known world-wide as one of the key fighters against insurance crime, particularly organized insurance crime. We're asking primarily that that take place.

One thing to mention is that Investigative Services is part of the Insurance Bureau of Canada's board of directors, which comprises the chief executive officers of Canadian-licensed P and C insurance companies, together with the chief executive officer of IBC. In the event that Investigative Services and its investigators are not exempt from the requirement of licensing, we do ask, as in Quebec, that we be exempted from any training and testing requirements because of our expertise that we've just discussed. Unlike private investigators, we are subject to the oversight of the entire P and C insurance industry, as represented by IBC's board of directors, which are CEOs of our member companies. There is no history of public complaints concerning the conduct of investigations of Investigative Services and its investigators.

Finally, based on the foregoing, IBC asks that IBC Investigative Services and its investigators fall within the exemptions of subsection 2(7) of Bill 159.

Thank you very much, everybody here, and Mr. Chairman.

The Chair: Thank you, Mr. Dubin. That was precisely 15 minutes, so we thank you for your deputation on behalf of the Insurance Bureau of Canada as well as your written submission.

UNITED STEELWORKERS, LOCAL 9597

The Chair: I would now invite our next presenter, Ms. Gwen Makkai, president of the United Steelworkers, Local 9597. Ms. Makkai, I remind you that you have 15 minutes in which to make your presentation, with any remaining time to be distributed evenly among the parties afterwards. Please begin.

Ms. Gwen Makkai: Hi. Good day to everybody. Thank you for hearing me.

I represent close to 4,000 members in Ontario. I am here to discuss our position on the changes to the act that replaces the Private Investigators and Security Guards Act.

Our members work at various locations such as airports, construction sites, industrial and commercial buildings, Parliament Buildings, hospitals, transfer stations, apartment buildings, gated communities and auto plants, just to name a few. They are proud of their work and should be recognized for the role they play in securing our communities. Whether they are protecting property, people or the environment, they are our first line of defence.

We understand the importance of across-the-board training. Many security companies send newly hired employees to sites without any training at all. These are

referred to in our industry as "warm bodies." This usually happens when they are short-staffed.

The reason I have come here today before you is to bring to your attention a concern we have in regard to the training of our senior members in the security workforce.

At least 50% of our members are over the age of 45, up to the age of 80. Many of these members have been working in this sector for many years, some as a result of plant closures, indefinite layoffs, injuries on the job that prohibit heavy labour, or because they wanted a career in the security industry.

These people have worked many years in this industry. They have worked at several locations in different cities, counties or municipalities learning life skills and abilities to perform their duties. In most cases, the clients set out the duties that security officers will be required to perform. Some may or may not have taken special security courses, but that does not diminish their value to the clients in terms of on-the-job experience. We have grave concerns that many of our elder members may lose their jobs by failure to attend or successfully complete an accredited education course. We are, at this point, unclear as to what your proposal for training will be. For example, will the member have to pay for training or will the employer pay? Could the member lose their job due to the inability to pass a course when he or she has already been successfully performing the duties for many years?

We would suggest that these members be grandfathered due to the credited work they have done as well as their years of experience and service. On-the-job training is far better than reading a book. A law and security course at a community college may cost \$5,000 or more. This would be a two-year course, and in most cases when you graduate you work for \$7.70 per hour minimum, and that is only if you're fortunate enough to be in a unionized workforce. Even within unionized workplaces, wages vary significantly. Those who aren't under a union contract are paid minimum wage. If you are lucky you may be able to get a job as a police officer once you have worked in the field as a security officer for two years.

There are a few sites that pay higher wages. Specialty sites may pay from \$12 to \$16 per hour. These are industrial sites: fire prevention duties, monitoring, and access control, for example. Training can be 40 to 80 hours on-site in order to work there. These sites are often manned by senior officers. Why? Because of their invaluable experiences in the field. Without all their accumulated training, it would be difficult for them to learn all that is required for the job. Most employees would not be able to handle the duties if they were new to this industry.

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The rules regarding security are often overlooked. Men and women are placed at sites without any training or a licence while they wait for the ministry to provide one. The industry has an overwhelming turnover due to low wages. Competition in the industry itself is depressed by the market, which creates a race to the bottom. They

compete on contracts, and the lowest bidder gets the job, regardless of what duties are required of them.

The only way security is going to become a career and not a short-term job is when the government takes a look at security as a profession. It's very difficult to make a living in the security industry due to the fact that the industry is unstable in terms and conditions of employment. Turnover in this industry is directly linked to inadequate wages, benefits and career opportunities.

We would submit that the government needs to consult with the union in developing training and regulations across the province. They need to ensure that all security providers are licensed and that only licensed security will be employed. They need to establish stable terms and conditions of employment, similar to the Quebec decree system, including the adoption of statutory minimum wages and benefits. This would stabilize the market by having the employers sell the services that they can provide to the client, rather than just what wages they are going to pay.

In closing, we would ask that the government take this consultation process even further by continuing dialogue with all the partners, especially in terms of training and licensing. Together we have an opportunity to make this a profession we're all proud of, and ensure that our communities and our security officers are safe. We would again point to the Quebec model of the decree system, as it has proven a workable model.

Another issue that I'd like to discuss is the licensing issue. The security guards in the province of Ontario are also subject to the Highway Traffic Act for violations. If I have a fine for speeding and it is not paid, they have the ability to pull my licence and take my job from me. That's another issue.

Mr. Kormos talked about our licences. This is what it looks like. Somebody can take my name, call my home and harass me on request.

Mr. Kormos: Can I show this around?

Ms. Makkai: Sure; pass it around. No problem.

The Chair: Thank you, Ms. Makkai. We'll begin our questions with Mr. Kormos.

Mr. Kormos: Again, you speak for the women and men out there, working real hard, wacky hours, out in the cold, out in the heat, dealing with cranky people, dealing with people in altered states of consciousness, I suppose is a fair way to put it, for very low wages. I agree with you 100%: We've got to find a way to grandparent the de facto, the existing licensed security guards. Make them subject to the uniform requirements, of course, right?

Ms. Makkai: Yes.

Mr. Kormos: Make them subject to the code of conduct, whatever that may be—hopefully it's a fair one—of course. Gosh, there are folks out there who for the last five, 10, 15 years have struggled supporting their families and trying to maintain households on these modest, modest wages. The reason they are there is because the job that they had in the factory is gone or that they suffered an illness or a disability that doesn't allow them to work at that high-wage job any more.

This bill has the capacity to put literally thousands of people out of work, people who haven't got the savings, who haven't got the RRSPs—when you're making nine bucks an hour, an RRSP doesn't make sense. There's no payback to an RRSP; there's no money to invest in it. So I'm just pleading with committee members that we should not let this bill go back to the House until there is a declared strategy, a plan, to save the jobs of people who have been working hard with integrity, doing everything they've been asked to do, for some significant periods of time.

The other issue—please, can Mr. Fenson get us the Quebec references that were referred to? It seems like that would be very relevant to what we're contemplating.

The Chair: Thank you, Mr. Kormos. We'll move to the government side. Ms. Sandals.

Mrs. Sandals: I was wondering if we could get some clarification about your request for grandfathering. Are you suggesting that people who have had some previous training should be grandfathered, so that there would be some previous training requirements in order to be grandfathered, or are you suggesting that all of your existing members should be grandfathered regardless of whether or not there's been prior training?

Ms. Makkai: In most of our situations, they've all been trained. It depends on what the training has required. Most of the training that a security officer gets is on the location. They do a small course or whatever with the employer, but it doesn't give them the skills and ability for the job; it's on-site training that's the important thing. My argument here is that they've already been doing the job for 10 or 20 years. Why do they need to be retrained?

Mrs. Sandals: So you're not suggesting that there be some sort of record that you can go back and look at in terms of what was the prior training. You're just saying, then, that all existing security guards should be deemed to have been adequately trained and be grandfathered.

Ms. Makkai: Yes, and because they've already gone through the training once, unless there are changes to the training that's required; then they would go in for extra training. But my concern is that the inability to maybe do some of the training may cost them their jobs.

Mrs. Sandals: But you're not suggesting that there's some record there that we could look at; you're just saying that all of the existing members should be grandfathered?

Ms. Makkai: That would be my idea, yes.

The Chair: Thank you, Mrs. Sandals. Mr. Arnott?

Mr. Arnott: Thank you very much for your presentation.

In your concluding comment, you called upon the government to continue its dialogue with respect to training and licensing issues, and I would certainly support that. But in one of the questions that you responded to earlier, you talked about many of your members being former industrial workers. Yesterday, the Canadian dollar hit 86 cents US. In the last 12 months in the province of Ontario, we've lost literally tens of thousands of manu-

facturing jobs. Yesterday, it said in the paper that DaimlerChrysler is going to be losing 1,000 jobs over the next couple of years. I heard on the radio today that La-Z-Boy in Waterloo is going to be closing its operations, and hundreds of jobs are going to be shipped south. We've got a real problem in terms of the protection of our manufacturing jobs. That's another side issue that isn't directly related to this bill, but to some degree it touches upon it. So I want to thank you very much for bringing up those issues. We certainly appreciate it very much.

Ms. Makkai: One of the other issues too is that a lot of retirees do security to offset their pension, and to lose a job is obviously to lose food and whatever else they have to do. That's my concern.

The Chair: Thank you, Mr. Arnott, and thank you, Ms. Makkai, for your presentation and deputation on behalf of United Steelworkers.

ALGONQUIN COLLEGE

The Chair: Our next presenter comes to us by way of conference call: Mr. Robert Pulfer, who is a consultant with Algonquin College. Mr. Pulfer, are you on-line?

Mr. Robert Pulfer: Yes. Good morning.

The Chair: You're coming through loud and clear. My name is Shafiq Qadri, Chair of the justice policy committee for the government of Ontario. I'd remind you, as your foregoing presenters have similarly had, that you have 15 minutes in which to make your presentation. Any time remaining will be divided evenly amongst the parties. Please begin.

Mr. Pulfer: I'm representing the Police and Public Safety Institute of Algonquin College today. Fundamentally, I believe my role today is to reinforce and support the presentation made by Mr. Dubois and Mr. Maher of Georgian College. There is a statement of facts that we have sent to you; Mr. Dubois covered this in the September 14 hearing. There are a couple of key points I wouldn't mind reiterating, or would you find that too repetitive?

The Chair: Please feel free to use your time as you wish.

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Mr. Pulfer: OK, thank you.

The 24 community colleges across the province of Ontario we feel will play a vital role in implementing Bill 159 in terms of development and delivery of the training standards and provincial testing sites.

Currently, the law and security administration and police foundations programs throughout the province have curriculum exceeding the basic training standards identified in the legislation. I note with interest Mr. Dubin has covered the CGSB, the Canadian General Standards Board, which currently has a 40-hour course. I agree 100% this is a good point of departure. We at Algonquin, as well as the other community colleges, barring any marked differences in the CGSB training

standards, are ready to proceed with this training right now.

Of course, we are in the business of education, training and development, and we have the experience to develop the core standards for the industry in a timely and responsive manner. We have the ability to provide Bill 159 training standards in alternative delivery formats, allowing greater access by private security personnel, which may include computer-based delivery, compressed delivery, train-the-trainer and blended delivery models. By delivering these training standards through the colleges, recognition and credit can be given, resulting in bridging opportunities for personnel into full diploma programs like the law and security administration and the police foundations programs, which we refer to as career laddering. These colleges can also provide testing services for certification and recertification because of province-wide locations and experience in providing this service.

At Algonquin College, we feel that this training should have a very high level of consistency and accountability, and I feel that community colleges can provide this level of training with the consistency and accountability that would be needed for this training for this service industry.

That, fundamentally, is my statement to you, sir.

The Chair: Thank you, Mr. Pulfer. You've left a generous amount of time and we'll begin with the government side.

Mrs. Sandals: Thank you very much for your presentation. I just wonder if we could get some clarification. Are you talking about the current law and security course or the police foundations being—are you suggesting that they should be required for the training standard that will be in regulation, or are you suggesting, given your experience with those courses, that you could set up a shorter course that would meet the new regulatory standard?

Mr. Pulfer: I agree 100%. There's no need to go into a full diploma program like that as far as I'm concerned. What I do mean is taking the elements from law and security and police foundations, which I'm a professor in as well, and using the items in those programs that dwell on the lawful use of arrest and use of force, which is being regulated by the province. It's the blending of what we deliver right now and putting it into a shorter course. Referring to the 40-hour course by the CGSB, it would probably be adequate; maybe 40 to 70 hours, if we talk about having actual use of force being delivered.

Mrs. Sandals: So 40 hours plus use of force would be additional time. What you're suggesting is that once the standard is established in regulation, you would be well positioned to set up courses at various colleges around the province that would be able to deliver that standard.

Mr. Pulfer: Yes, ma'am. I've already developed a curriculum right now, and barring any changes from what the CGSB is presenting, I think we're probably ready to go very, very soon.

Mrs. Sandals: Thank you very much. That's very helpful.

Mr. Arnott: Thank you for your presentation. Can you hear me OK?

Mr. Pulfer: Yes, sir.

Mr. Arnott: You've indicated that the community colleges are ready to go and up to the job of providing the kind of training that is going to be needed under Bill 159. I wouldn't dispute that, obviously. But I was wondering, how many students do you currently have enrolled in law the and security administration and police foundations programs at Algonquin College? Do you have a big program now?

Mr. Pulfer: Yes. It's in excess of 700.

Mr. Arnott: Do most community colleges have those programs as part of their course offerings?

Mr. Pulfer: Yes, sir.

Mr. Arnott: Are there some that don't? Is it every community college?

Mr. Pulfer: I really can't comment on all the 24 community colleges; I'm only a professor and I'm not tuned in to everything that every college has. I think Rebecca Volk could probably answer that question, but I really couldn't comment on that.

Mr. Arnott: But most do, I gather.

Mr. Pulfer: Yes.

Mr. Arnott: That's good to know. Thank you.

The Chair: Thank you, Mr. Arnott. Once again, the Chair yields the remaining 10 minutes to you.

Mr. Kormos: Thank you, sir. It's Peter Kormos from Niagara Centre. Does the community college system have the capacity to conduct all the training for new entries who would have to comply with the new standards?

Mr. Pulfer: Yes, sir. It's our position that we have the space now to fulfill this training requirement when it's legislated.

Mr. Kormos: In view of the fact that the government appears to be contemplating a multiple classification—at least two: the most passive security personnel through to the most active; the parapolice, as I call them—do you think there would similarly be room for local secondary schools to participate, at least in the provision of the minimum standard of training for that most passive, watchperson type of security personnel?

Mr. Pulfer: I noticed, in a presentation on September 14, somebody calling those level 1 and level 2. Is that what you're referring to: the passive type of job and the type that might have to use arrest authority under section 494 of the Criminal Code?

Mr. Kormos: Exactly.

Mr. Pulfer: Yes, we definitely would be able to handle the extra training for what you call the passive, or level 1.

Mr. Kormos: But do you think the secondary school system, local boards of education, could have a role to play in this as well?

Mr. Pulfer: Yes, I believe they could, with respect to night education, continuing education—offered in that fashion.

Mr. Kormos: That's a wonderful answer; I really think it is. Because my interest is that the person who is

working for a company which has been advertising, called AlarmForce, who sits in a head office in Toronto or wherever the head office is and monitors the alarm in your home and then calls the police if there has been an intrusion really doesn't have to know anything about powers of arrest and doesn't have to know much about application of force. He's more a dispatcher than an active parapolicing security guard. Do you, from your perspective as an educator, see significant differences in the various roles played by different security personnel?

Mr. Pulfer: You know, the presentation made on September 14 covered it very well. If there's a situation where somebody is going to be sitting there monitoring television screens and their only job is to call the police or 911, and if they never have a hands-on approach to the public with respect to an arrest under the Trespass to Property Act or the Criminal Code, I agree 100% that there should be different levels in this certification and registration, and I would support that.

When you have the person who is out and must make the arrest, of course, you take it to a whole new level. We don't want to get into another Patrick Shand type of situation. These security guards who take on the role of arrest must be aware of when they can arrest a citizen and how much force they can use. We do that by use of the Criminal Code for the powers of arrest and also the use of force that a person is allowed to use as a citizen.

Mr. Kormos: Quite right.

We've got approximately 31,000 licensees under the current Private Investigators and Security Guards Act, and nobody disputes the need for healthy and significantly higher standards, especially for the activist parapolicing security guard. But 31,000 jobs are at risk. Should there not be an effective mode of grandparenting? Do you think it's possible to develop a scheme whereby grandparenting can be done to preserve jobs? Let's face it: Many of these people in minimum-wage jobs are going to have a hard time because they simply don't have the skills that would permit them to compete in the current economy. Do you think there's a way of effectively grandparenting at least a significant portion, if not all, of those jobs?

Mr. Pulfer: That's a very good point. My response with respect to grandfathering, if it's going to be done, would be that some of these people could be grandfathered with respect to what you call the passive type of security guard. But persons who may be out there having to effect an arrest under the Trespass to Property Act or under section 494 of the Criminal Code do have to receive this training.

Mr. Kormos: What would you anticipate the tuition cost to be of the Full Monty, the full-fledged security guard program to give you the five-star rating to do the most active parapolicing type of role? What would the tuition fee be at a community college in Ontario, based on current tuition fees?

Mr. Pulfer: Mr. Barker, the dean of my school, could respond to that. I'm really not in any position right now to give you any amount. I apologize.

Mr. Kormos: I, of course, am concerned about the cost of this training, which everybody agrees is appropriate, but we're talking about a notoriously and miserably low-wage profession.

Mr. Pulfer: You are absolutely right. It would be very cost-prohibitive for some companies. We'll have to wait and have further conversation with Mr. Barker and the other community colleges to come up with some price structure, but I do agree that it could be a disaster for some companies.

Mr. Kormos: You, as an educator, have a role in explaining to your students. You want to instill professionalism in them; you want to instill pride in the work they're being trained to do. What do you say to your students about the wage levels and the prospects, the future of security guards' salaries in Ontario, especially in the context of the legislation before us?

Mr. Pulfer: It is a very tough statement we have to give these young people. We have had people from security companies in Ottawa come in and talk to my students in the intensive program, police foundation. These are quite brilliant young students who are looking for a role as security officers or police officers; they're driven toward that career. But when they find out they're going to be making \$8.50 an hour, their mouths just drop in awe with respect to the training they receive at Algonquin College. The type of training we deliver is probably at the same level that the recruits receive at the Ontario Police College.

How do I respond to them with respect to that rate of pay? I basically say to them, "This could be a good career path for you." Many of the interviews throughout Ontario are now competency-based, so I tell these young people, "Go out and get life experiences with these security companies. Yes, you're not going to make big money, but you may get life experiences that will lead to your being able to answer these competency-based questions when you get to that interview with a police service." I try to tell them it's a good stepping stone, a great life experience, because what the police services in Ontario are looking for is competency based on life experiences. I try to use that as a stepping stone for them and try to encourage them to continue.

Mr. Kormos: Thank you kindly, sir.

The Chair: Thank you, Mr. Kormos, and thank you as well, Professor Pulfer, for your remote-access presentation from Algonquin College.

This committee stands recessed till 1 p.m. sharp.
The committee recessed from 1211 to 1303.

BURGESS AND ASSOCIATES

The Chair: Ladies and gentlemen, I'd like to call this committee back to order and in session.

I would invite our first presenter, Mr. Mike Burgess, the managing director of Burgess and Associates. Mr. Burgess, just to inform you of the ground rules, you'll have 15 minutes in which to make your presentation, and the remaining time will then be distributed evenly amongst the parties. Please begin.

Mr. Mike Burgess: Thank you, sir, and thank you for having me.

I come before you today in three capacities, actually.

One is as an independent business owner, having been in the business of training security guards, among other folks, in the province of Ontario for the last 10 years.

Second, in the capacity as an expert in the area of the use of force. I'm a pure product of the Ontario system, having been through the policing in the late 1970s. I worked at the Ontario Police College on and off for seven years, part-time and full-time. I'm an instructor, trainer and just about everything you can think of down there related with the use of force. My particular field of expertise is use-of-force judgment training, defensive tactics, training of facilitators and things like this. I can speak to some of the issues that have been raised concerning weaponry, handcuffs, batons and that sort of stuff, if you would like. I also want to speak very briefly to the standards that are already in place pursuant to regulation 926 of the Police Services Act, which we've been following here in Ontario since the early 1990s, within the same ministry that's helping develop these regulations.

The third area I'd like to touch on: I'm a sitting member of the Canadian General Standards Board, I'm on the national advisory board committee, I chair the subcommittee on core competencies and methodology delivery for the Canadian General Standards Board, and I also sit on the use-of-force committee as an adviser in my capacity there.

I can shed some light on what the standard currently says. I've brought some information with me, some excerpts of what we're currently working on. I can speak to what the standard has in place now, where we are with our revamping of this, the overhauling of that standard and the additions that we're bringing to it as far as the number of hours and the competencies that are involved.

I'm going to try to quickly go through this brief that I've brought, and I'd like to leave as much time as possible for you at the end to ask me questions. Rather than my trying to speculate on what I think you should hear, I want to hear what you would like to know and I can fill in the blanks for you as we go along.

It was my peers and I who were originally called to testify at the coroner's inquest into the death of Mr. Patrick Shand, so I can comment a little bit regarding the case itself and the things that led up to the death of Mr. Shand. One of the recommendations, and this is coming from my expertise since the early 1990s at the Ontario Police College, is that if we're going to download the responsibility for training on to the college system—and I am working within the college systems with several colleges, and my peers are working with several others—we have to ensure that the people who are actually going out to do this training know what they're doing. That goes without saying. I'll speak to this in a minute.

I have absolutely no qualms about the academic portions of the Canadian General Standards Board standard being taught at a lower level across the board by private suppliers or colleges or continuing education

programs wherever they may be, as long as we can ensure some sort of accountability for those standards.

One of the criteria as a use-of-force instructor that we've always held to, the best practice within policing and corrections, is that if I was the trainer teaching the course, I was not the same person who would give you the exam. There's too much politics, if you will. So this is one of the recommendations from the CGSB that we're putting forward: If you are the trainer, you will not be the examiner. Although in-house training within security companies themselves may be a very good thing, I think the examiner should be from outside that company. That has been a best practice here since the 1990s. We've done that at the police college etc.

My recommendation on page 3 is that the definitions of "instructor," "examiner," "facilitator" and what we know as "use-of-force instructor" be actually entrenched in the legislation and not left open to the regulations. The main reason for that is the misinterpretation of the written word. Some people can think that they're qualified, but unless we specify what a qualified instructor is, it's going to be left open.

I agree that we need a two-tiered system. We need a system for what Mr. Kormos has called the watchman type, although that's a huge area. They don't have the responsibilities of interacting with the public as much as a proactive-type security officer would, and I agree that the level of training needs to be differentiated there. The government has obviously made inroads with the CGSB to use that as a platform to build on for that level, and I agree with that. We have an overhaul to do, and I'll speak to the length of training as far as the CGSB standard and where it's likely to end up down the road, in the not-too-distant future.

Three areas that I want to very quickly speak about are, what is a qualified examiner, what is a qualified use-of-force facilitator, and what is a qualified use-of-force instructor? The course training standards and the courses themselves were tasked by the ministry to the Ontario Police College to design and develop for delivery to police officers here in this province.

A use-of-force instructor historically has about three weeks of training. They are normally involved in refresher training and recertification annually, which is something that is being suggested under this bill. Those folks have a very good understanding; they have a bit of experience in the industry. We train them an extra three weeks or so to refresh the memory, skills, knowledge and abilities of front-line officers in both levels, especially use of force.

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The second category is a facilitator—most people will understand that term—or "master instructor." These are the folks whom the police college themselves use to train raw recruits from zero and up. I've trained many master instructors for the Ontario Police College in the defensive tactics section in my years there. Those particular courses run at least 12 weeks and they're very intensive. We need to see that this instructor is able to train and teach people

who have problems and issues and they can be re-medialized etc., but they're not use-of-force instructors. They're well beyond that level. They're specialists, especially in the areas concerning the use of force, handcuffs and batons, and of course, in the police environment, other things, weapons that they have access to.

As far as examinations are concerned, we're talking about standardized testing. I agree with that. Examiners, like I mentioned, for recertification programs: It would be fine that a use-of-force instructor could actually refresh their memory but somebody else should probably do that testing. As far as raw recruits are concerned, it's often done. A use-of-force instructor is actually working under the tutelage, if you will, of somebody with more credentials in order to train a raw recruit and then examine them at the end of the day.

Just while I'm on this, something that was raised this morning, competency-based training, is becoming the norm now across the industry. The law and security and police foundations programs speak mostly in this province to academic-only learning and it's not what the industry wants. I can tell you from the feedback from my lectures at Federated Press and working with the chief instructors and chief security officers in this province that they need people who are more well rounded, have good people skills, have good judgment and decision-making abilities and are able to do everything possible in their power to avoid altercations. That's exactly what the industry is looking for. Academic-only training only addresses a very small portion of an overall competency for an officer.

There was some mention this morning about grandfathering and the areas surrounding the competencies of people who have been on the job. I've trained police officers and security officers and people who were marginal in their academic and they've walked into some scenario-based training, whether it be video interactive or whether it be real life, and they perform brilliantly. In my mind, as an evaluator, I would sit and look and observe this person. Would I go to work with this person? If the answer was yes, they passed. I didn't care if they were at 51%, but could they apply academically what they've learned? That was the main thing.

In policing, there are four things that speak to the standard. One is, are they confident in what they do? Number two is, are they competent and can they display that competence? Number three, do they demonstrate good judgment? And, number four, do they demonstrate good restraint? That's the criteria. It's not all about academics. It's about if they apply what they've learned in the real world. Can they avoid the altercations? Can they make a right decision under a stressful situation?

On the next page over, I've been doing some work with OACUSA, which is the centralized trainer in Ontario for special constables. There's a very limited amount of training done for our special constables in this province, I'm sad to say. What you see there is a definition of a use-of-force instructor, and I'd like to read it just quickly:

“Use-of-force instructor means: A person who has completed the use-of-force instructor’s training course or defensive tactics facilitators course, or equivalent, offered by the Ontario Police College. Examples acceptable for equivalency would be graduates of any course from a recognized Canadian police college or a use-of-force instructor’s certification from a ministry-approved Ontario college of a standard equal to or greater than the course training standards for those two programs at the Ontario Police College.”

If we’re going to download the responsibility for para-police or the next level up, we need to ensure that those people who are doing that training know what they’re doing. These standards, my friends, have been in place within this ministry since 1992. All we have to do is depolice them, if I can use that term, take out the police material.

When I teach these courses, I’m mostly involved with organizations like the Ontario Lottery and Gaming Corp. We’ve trained officers for about 14 of their sites. We do corporate training for places like the city of Mississauga and the city of Kitchener, their in-house security forces. These folks are trained to a very high level and consequently get a very high wage. I would tell you that it’s running between \$14 and \$22 an hour in those environments. I know that in private industry it is not that high, but the bar is a lot higher within those industries than it is perhaps on the regular street level.

In special constable training, they’re faced with a lot of the same issues as policing but regulation 926 doesn’t totally cover them. What we’re now looking at is special constables being downloaded police duties. You’ve heard from Mr. Creamer and Brenda Russell this morning about the downloading of more responsibilities on to municipalities to take care of things that used to be police issues, such as noise enforcement and animal control, to a point. So the level of training within those environments has to be raised; there’s no question about that. My major concern for municipal law enforcement officers is that we’re downloading—for example, in Ottawa they have parking control officers who are security guards who are doing parking enforcement for the city of Ottawa. I can say that because I trained all those nice folks up there. Yet in the same forum, we have people who work for the municipality who will be exempt. That didn’t make a whole lot of sense to me, personally. Again, my point was, why reinvent the wheel? We’ve had these guidelines in place.

As far as grandfathering is concerned, I would rather see somebody tested on a competency base rather than an academic base. I think most of those people, if they’ve got the good common sense to survive in a security world for 10 years or so, probably could get past a competency-based test. I don’t have a lot of problem with that at all.

I’ve pulled some excerpts out for you from the Canadian General Standards Board. The requirements for the training programs: It was mentioned in a couple of speakers’ presentations about the standard being 40 hours; another one mentioned 80 hours. The standard

itself was last drafted in 1999. It is currently undergoing an overhaul, if you will. We’ve been at it since last November, when we first met in Ottawa. The standard was 40 hours; it probably will not be 40 hours when we’re finished with it. In the document that I have given you, this is not the standard as it sits. This is what we are still talking about at the table, and I don’t think there are any big secrets here about what we are talking about.

What was missing from the original standard were the principles and guidelines regarding the use of force, effective communications regarding the use of force and the articulation of what it is that people do on a day-to-day basis. When we looked at that, that brought the total to 52 hours. You’ve heard from our education colleagues at Algonquin this morning, and others. I think if you asked them to go back up to A4 on that same line, it’s very, very difficult to teach a security officer legal authorities in six hours. I’ve been doing this for a long, long time, and it is very, very difficult to do that in six hours.

Now, having said that, because I chair the core competencies committee and the methodologies of delivery, we’re also looking very seriously at alternate methods of delivering training. We’re now in the Internet age. Most things can be accessed on-line. Our only difficulty is how we avoid cheating. We’re looking at proctored exams to get around that. These are all things that we’re still talking about as far as the CGSB is concerned.

There is a movement among some of us where we would like to see a physical skills component added into this, and that being the case, we’re going to be looking at closer to an 80-hour standard, and that’s just for people who are going to be at a tier 2 level. So we’ll have academic and physical skills if that is a requirement.

Again, this is a voluntary standard. I can’t stress enough that it is not a mandatory requirement, that it is only for federal procurement.

I’m going to very quickly flip through a lot of this other material. There are some outlines in here as to what a security trainer should look like; there is the minutes of our last meeting in there. There’s a document at the back that says, “Teaching Credentials for Security Use of Force, Physical Skills Training and Judgment/Decision Making.” This is an outline for a college-level program, which would be 80 to 120 hours, to certify use-of-force instructors to teach security officers. This parallels the APA, the Atlantic Police Academy; the CPC in Ottawa; and the OPC here in Ontario. It has all the same type of content in it, minus the police stuff. So this is where my colleagues and I have done that.

One of the premier instructors in Canada recognized for his expertise in use of force is Mr. Robert Proulx from Stittsville, the Ottawa area. There is a letter there which concurs with what I’m telling you here. I’d just like to turn it over to you now and answer any questions that you have.

The Chair: Thank you, Mr. Burgess. We have time for instantaneous questions with no dependent clauses. Mr. Arnott.

Mr. Arnott: Thank you for your presentation.

The Chair: Thank you, Mr. Arnott. Mr. Kormos.

Mr. Kormos: “Policing” is an interesting phrase. Remember the fellow from the Orillia-area community college in Toronto last week? He got a little testy with me because I had referred to the caricature style of some security guards, especially in court. He got really defensive about it because he felt that it was a single stream: security guard/police officer. My interest in this legislation is that it’s very much two different streams. So could you take that to somewhere logical?

Mr. Burgess: I agree with you. As we raise the bar to turn this more into a profession and less of an afterthought—“Because the fast-food industry isn’t hiring” kind of thinking—we are starting to actually raise the level of competencies. I can see more and more responsibilities being downloaded from municipalities. It’s already happening. We’re getting outsourcing as a normal way of municipalities saving money. They’re downloading this on to the security industry, which makes it a—

The Chair: Thank you, Mr. Kormos. Ms. Sandals.

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Mrs. Sandals: I’m interested in your notion of the qualified examiner and how examining should take place. First of all, who do you think should be responsible for examining, and, given that there are 30,000 to 50,000 people who have to be examined, how would you manage competency-based exams as opposed to academic exams?

The Chair: Thirty seconds, Mr. Burgess.

Mrs. Sandals: No 30-second answer.

Mr. Burgess: If we have a standard, we need to have standardized testing. We need to have subjective instructors who can actually subjectively evaluate, especially people who are at the higher levels. From my information from the security industry, that is not the norm. The norm is the first level, the observe-and-report type folks, so it cuts that number down very significantly. Leverage is the only answer. We have more instructors/trainers and we’re ready to go with that. Train more trainers to actually leverage that out is the quick answer.

The Chair: Thank you, Mrs. Sandals, and thank you as well, Mr. Burgess, for your very efficient replies.

INTELLIGARDE INTERNATIONAL

The Chair: I would now invite our next presenter, Mr. Ross McLeod, who is the president of Intelligarde International. Mr. McLeod, as you’ve heard, 15 minutes to present, with remaining time, if any, distributed evenly among the parties. Please begin.

Mr. Ross McLeod: Thank you. As the Chairman said, I am Ross McLeod and I am the president of Intelligarde. I’ve been active in the security industry for 23 years, helping to form industry associations and in chairing them. Intelligarde is a benchmark amongst international criminologists and police intellectuals for leading-edge organizations that occupy that constantly evolving space

between the traditional security industry and basic-level police work.

Most of the established companies in the industry have been calling for all those providing security and investigative services to be brought under the act, and for a baseline of mandated training. To the extent that Bill 159 does this, we are happy with it.

There are other sections of Bill 159, however, which are very problematic.

Subsection 15(2) gives the registrar the right to immediately suspend a licence while waiting for additional evidence or the request for an appeal of the suspension. As a practical matter, the suspension of an agency licence will have the immediate effect of destroying the business. Thus an appeal or continued investigation becomes academic. I think this power of immediate suspension is draconian, and an agency licensee should be allowed a hearing with full legal representation before the asset value of the business is destroyed. In the case of error on the registrar’s part or new supporting information coming to light, the suspended agency cannot be reconstituted.

The portability of individual licences is the elephant in the room that everybody is not mentioning, except that section 13 of the old act is gone. Portability is a business disaster for the industry. Loyalty, confidentiality and predictability would all be gone. It would be a human resources free-for-all and chaos, as companies with short-term, short-notice contracts such as festivals, special events and labour unrest advertised a few extra dollars pay and scores of employees would phone in sick with their regular employers.

My company pays excellent health benefits. Many of my smaller competitors do not, but this saving on their part will allow them to bribe away my employees for a weekend or a week. What about WSIB responsibilities? Which of, say, three employers is going to pick up the tab for the neck, back or ankle sprain? When the public wants to sue—for example, wrongful hire, wrongful retention, inadequate training—which of the several companies that the individual is working for do they file against, or perhaps all? Some of my Fortune 500 clients require six weeks of additional on-site training. Would I do that for a free-floating security guard who is here today and gone tomorrow?

The portability of licences issue simply reflects a non-appreciation for business processes, while the immediate suspension powers give the registrar nuclear weapons when conventional weapons would more than suffice.

This draft act wants to give the registrar, by regulation or order in council, the power to forbid certain colours in uniforms and equipment for personnel and vehicles. Let’s be perfectly clear about whose issues these are and to which special interest group this draft act owes these issues: police unions and particularly the Ontario Provincial Police Association, whose members and former members populate the registration branch. The great red herring, canard or non-issue that drives these open-ended restrictive sections is the belief that the public will mistake or confuse a private security guard with a public police officer.

I have asked registrar Herberman, who's here today, if this has ever happened, many times over the last several years and as recently as weeks ago, and his answers have been consistent and categorical: There has never been a written complaint from the public in Ontario about confusing a private security guard with a public police officer. Not a single complaint. Why, then, this obsessive focus on uniforms, equipment and language? After all, police forces across the province and across Canada have not themselves managed to harmonize uniforms and equipment, and if they follow their American counterparts—as they usually do—they will constantly change with fads and fashions and the slick and sophisticated marketing by law enforcement vendors, mainly out of the USA.

Twenty-four years ago, when I set up Intelligarde with its vision of being to the police industry what paramedics are to the medical industry, I deliberately chose colours, badges and logos that were highly different from Canadian police, with their blue uniforms and yellow police cars. I have invested huge sums of money and branding into my black uniforms and black patrol cars and yellow checkerboard all over the uniforms and cars. We repeatedly win excellence awards like the Consumers' Choice Award, which are run by the Gallup organization, and are really all about brand. A quarter of a century to establish the leading brand and now this draft act is telling me that a seconded police union member is going to say, "No, sir. Black is ours exclusively, because we chose it a few years ago and we'll keep it for ourselves until we decide on a new, trendier colour." This is outrageous and cannot stand in an act that purports to bring the industry into the present and serve the community for a generation or more.

The security industry is very much in, and highly responsive to, the present time. It is the special interest groups' silly turf protection reflected in this draft act that has to grow up and get with the times.

Segments of our industry need similar equipment to public police and special constable organizations simply because we do similar work. It's an occupational health and safety issue. Supreme Court Justice Binnie, in the *Daniel Asante-Mensah v. Her Majesty the Queen (Ont.)* case, in his analysis section, relies on the criminological text—based on Intelligarde—*The New Parapolice*, by Dr. George Rigakos, and on my book *Parapolice: A Revolution in the Business of Law Enforcement*, to point out that Intelligarde has arrested 30,000 people in the last 20 years, and other security organizations have also followed this route. Our North American city life has for many years relied on this level of private-sector order maintenance in our malls, housing projects and schools.

Recent OPP salary awards in the order of \$80,000-plus for senior police constables bring society's dilemma into sharp relief. There are good reasons why private security now outnumbers public police two or three to one in Canada and by seven or eight to one in the United States. Public police salary awards have priced themselves out of the low-end policing market. You cannot have 45-year-old constables making \$80,000-plus basic

pay doing work that high-end well-trained security officers can do very much cheaper and, frankly, better, because it's their entire focus.

But wait, there's more. Seconds ago, I used the words "security officer." Under the draft act, I will be charged with using the word "officer," and the quarter-century investment of my multi-million-dollar business will be destroyed through immediate suspension. Why? Well, presumably the public might be confused between my security guard and a public police officer.

Under this draft act, you can be a pest control officer, academic officer, company officer, executive officer, financial officer, information officer or operations officer. In fact, according to Wikipedia, "in some organizations that use the term, all but clerical workers are termed 'officers.'" But in Ontario you can't be a security officer. Why? Whose interests are being served by relegating and freezing security personnel in the lower-status term of "guard"? There is only one term or noun that is properly owned by the public police, and that is "police." In Britain, that word has been attractively logocized and is ubiquitous on police personnel and equipment.

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The other forbidden words in this draft bill: "detective" or "private detective." Seriously, generations of readers have clamoured for Mickey Spillane books and Mike Hammer films featuring the familiar themes of the private detective. The phrase originally comes from the Bow Street Runners. This was one of several British and Irish private police forces that predated Sir Robert Peel's London Metropolitan Police by two generations and from which Peel heavily borrowed nomenclature like "detective" and "inspector." As for law enforcement, the public police have not been the primary maintainers of public order for 15 to 20 years. There is a legion of inspectors, officers, special constables and security personnel that are involved in the daily task of order maintenance and law enforcement, more so as we enter an age of international terrorism.

I cannot think of another example of a special interest group trying to get control of the very language that Ontarians use to describe their everyday experience and reality. It reminds me of George Orwell's dystopia *Nineteen Eighty-Four*. In chapter 3, the protagonist, Winston Smith, ruminates that "if all others accepted the lie which the Party imposed—if all records told the same tale—then the lie passed into history and became truth. 'Who controls the past,' ran the Party slogan, 'controls the future: who controls the present controls the past'.... quite simple. All that was needed was an unending series of victories over your own memory. 'Reality control,' they called it: in Newspeak, 'doublethink.'"

As a long-term practitioner in this vital industry that will grow by sheer necessity for the rest of our lifetimes, I ask you to shake out these small-minded, self-serving turf protectors. I invite you to join with the progressive and healthy-minded security organizations, comprised of tens of thousands of Ontario taxpayers who welcome mandated training and expanded inclusivity, to craft an

act that has the vision and flexibility to take us at least a generation into the future. Thank you.

The Chair: Thank you, Mr. McLeod. One minute each. Mr. Kormos.

Mr. Kormos: Look, you make a potent argument. Nobody's here from the OPPA or the PAO—

Mr. McLeod: I'm not surprised.

Mr. Kormos: Well, I'd have seen them jumping, and so be it.

What do you say to the fact that some of us don't think it's good that we've had to increasingly rely upon privatized policing? I accept your truism, but let me put it this way: If I'm going to get busted, if I'm going to get arrested, please let me get arrested, if I had my druthers, by a professional OPP officer or a Metro Toronto cop—what have you. At the end of the day, and that's not to say that the security guard can't do the same job, but if I had my druthers, I'd rather be arrested by a public cop. What do you say to that?

Mr. McLeod: I say you're describing a world that hasn't existed for almost 20 years. Most Canadians' first experience of authority is in a mall, through security guards. People are street-proofed; anybody under the age of 40 has been street-proofed in this country by saying, "If you're in difficulty or danger, if you're sick or you're lost, run to the adult wearing the uniform." It's part of our very consciousness.

We can't go back. You can't put the genie back into the bottle. We have to deal with the world we have, so the purpose of this act is to clean it up, polish it up, and make it good and make everything work together and dovetail in. That's all we want to do. We don't want to take over.

The Chair: Thank you, Mr. Kormos and Mr. McLeod. Ms. Sandals.

Mrs. Sandals: I wonder: Could you tell us how many part-time employees you have?

Mr. McLeod: Out of about 400, I would say no more than 20.

Mrs. Sandals: OK. So the majority of your employees are full-time employees.

Mr. McLeod: We try to minimize part-time.

Mrs. Sandals: And full-time would be how many hours?

Mr. McLeod: Forty to 44 hours a week.

Mrs. Sandals: So I'm wondering why you think that, if you are actually having your workers work 40 to 45 hours a week, they would be going off to moonlight for other firms in addition to that, why that would be an—

Mr. McLeod: Money, more money. When there's, say, a strike that starts in Toronto—if you read the security opportunities ads in the paper, the average wage in the province is what? I don't know: \$9.75, \$9.85 or \$10 an hour? Suddenly the ads go in for \$15 and \$16 an hour and a lot of employees rush over for that short-term bounce in pay, knowing that if they're working for one of the big multinationals they can probably go and beg their way back in.

With the more sophisticated and complex companies, the job assignments are more complicated; they take

longer to train. We don't want people going off for an exciting weekend at a strike somewhere, where they're going to get paid an extra \$5 an hour and food, and then coming back and trying to beg their job back on Monday. It's extremely disruptive.

Mr. Arnott: I'm looking at the first page of your presentation. You talk about subsection 15(2) of Bill 159 giving "the registrar the right to immediately suspend a licence while waiting for additional evidence or the request for an appeal of the suspension." What is the law right now in terms of the registrar's power to take away a licence?

Mr. McLeod: He's sitting behind me, but my understanding is that if there is a big issue, the registrar calls a hearing, an inquiry, which is an adversarial proceeding and both sides have their legal representation there. If the outcome is negative for the company, then they proceed to dispose of the licence. But at least there's an opportunity to react there, to just say, "Your licence is suspended." It's in the nature of our business and, I would put to you, most service industry businesses, that the contracts just melt away as soon as you're not there for one reason or another. Whether you go bankrupt or whether you've been suspended, the other companies come in like sharks and just swallow the contracts.

The Chair: Thank you, Mr. McLeod, for your representation on behalf of Intelligarde International.

WOODBINE ENTERTAINMENT GROUP

The Chair: I would now invite our next presenter, Mr. Kevin Murphy, senior manager of security operations of the much-valued Woodbine Entertainment Group, ably representing itself in Etobicoke North. Welcome, Mr. Murphy. You have 15 minutes in which to make your presentation, and the remaining time will be distributed among the parties afterward. Please begin.

Mr. Kevin Murphy: Thank you, Mr. Chair. I'd like to begin by thanking the committee for the opportunity to speak to this matter, which by its nature will have a significant impact on the way security services are provided in this province.

During my 30 years of experience, I have seen firsthand an evolution from the days of a security guard being a fellow who walked around the building punching a clock, with limited skills and training, to an individual who must now respond to more immediate and varied demands or threats in the workplace and in the community. I feel it's appropriate that appropriate training accompany such a change.

Many security managers particularly, but not exclusively, in the proprietary or in-house area have recognized that for a number of sound business reasons it makes sense to ensure that properly trained individuals provide the necessary service. We have also watched our relationships with the public police at the municipal, provincial and federal levels mature and become more in-depth as a properly trained security team that can provide valuable support to those agencies. In many situations, the public police solicit the support of private security,

not only after the fact, but as partners in proactive initiatives aimed at crime prevention.

As private security inherits more responsibility for areas of the community which have been referred to as mass private property or quasi-public space, the standard for training and accountability rises, as does the expectation of the public to be treated in a respectful and professional manner. It is hoped that this legislation will foster an environment that will lead to a more responsive and responsible relationship between all concerned parties and participants.

My comments today will reflect on the areas of licensing, training, compliance and participation of all industry sectors.

Part II, section 4, identifies the types of licences that may be issued. One of these is a licence to act as a security guard. This suggests that there is a one-size-fits-all aspect to the security guard function and industry. Such is not the case, as there is a wide range of skills and demands that fit within that very broad description.

At one end of the scale is the security guard who watches a construction site or unoccupied building overnight or on the weekend. That individual, as a rule, has very little contact with the public. There is a low requirement of skills to perform these functions. It's basically to sound the alarm if something goes wrong. In addition to guards performing at these levels, there are also companies that choose to serve the limited market that these skills support.

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Many of the people who occupy these jobs have limited education and they may not be proficient in either of our country's official languages. However, over time, they have displayed a competency to perform in these limited roles. They provide valuable service to our company and make a positive contribution to their communities. It would be unfortunate if they were to become disenfranchised or unemployed as a result of this legislation. In fairness, we need to address this aspect of the industry as we contemplate change.

At the opposite end of the scale, there are guards who provide security to housing complexes, shopping malls, entertainment centres and government buildings who require a broader range of skills. These people may be called upon to intervene in physical confrontations, provide advanced first aid, enforce bylaws and respond to other calls for assistance as required. In many cases, the first responder will not be police, fire or EMS personnel; it will be on-site security guards who will try to deal with the situation until the public services arrive. In order to perform these functions, these people require higher levels of training. In addition, in order to satisfy the requirements of other legislation that affects occupational health and safety, they may be required to resort to certain types of equipment, such as batons, that require proper training.

I would ask the committee to consider the creation of a tiered system of licensing, or a system of endorsements to a basic licence similar to that of a driver's licence or

perhaps a pilot's licence where a basic level of skill is achieved and then the endorsements follow as there are greater skills attained. This type of structure would allow many current employees to continue in their roles provided they show competency at the basic level. It would also provide some assurance to the public that guards are qualified in the use of certain types of equipment.

The program could also be used for service providers. This would help to define the marketplace and provide reasonable expectations for the purchasers of security services. A company could choose to restrict its business to either end of the scale or become a full-service agency. The purchaser of services would then have a guideline as to what they were paying for and be better positioned to attain important cost efficiencies in their businesses.

A second area of concern revolves around training. There is no doubt that in order to provide professional and competent security services, a basic curriculum of training needs to be identified. However, we should not allow the legislation to give rise to a cottage industry of trainers who would be uncertified or unregulated themselves. The delivery of training requires the same attention as the content of the training. We must ensure that training programs are properly certified, and that by requiring training as a condition of licensing, we do not expose the industry to those who would use the legislation to turn a quick profit.

In developing our in-house program, we followed the guidelines as set out in appendix A of the CGSB standard for security guards. We also developed a program for supervisors following appendix B. The shortcoming we found in the standard was that although appendix C identified mechanisms for audit and accountability, there wasn't an agency in place that would certify that a program was in compliance. This certification is essential in order to ensure public confidence in the quality of training provided to security guards.

As we cross the spectrum of activities in the province, we find that different areas are also subject to regulation from other legislation. In the entertainment field, the Liquor Licence Act, the Racing Commission Act and the Gaming Act also affect us. Hospitals have to deal with the Mental Health Act, and companies engaged in power generation and transmission have their own regulation as well. Even without the effect of legislation, art galleries and museums have their own set of standards to follow. Accordingly, even though a basic core curriculum may be identified in the regulations, there will be additional training required in order for the guard to be fully trained.

Secondly, the delivery of training should not be restricted to what I would refer to as retailers of security training. It should not be a product or service that is sold in the marketplace in the same fashion as automobiles. There should be a variety of ways for individuals and companies to obtain the necessary skills. That would include in-house programs provided by the employer, continuing education programs through our community colleges, distance learning and through the Internet. Training should also be affordable, both for the employee and the employer. I've noticed in recent months that

programs have been offered that purport to meet the standard that are going to have a price tag of upwards of \$1,000 for an individual to go through. That's a pretty onerous burden for somebody to take on to get a licence, with no guarantee of employment at the end of the day. Notwithstanding that for other professions they would have to go through a college program where the tuition costs and the costs to obtain that education would be much higher, for the basic level of security guard it is an onerous burden.

While the content of the program is important, it is also essential that the candidate's comprehension of the material is well tested. It should be more than reciting words on a page. Many of our employees, particularly those who don't have English as a primary language, have the ability to make themselves understood and display the comprehension of the material that's put before them, but to put it into a written test would be a burden for them. They know what they have to do, they know how to explain it, but to put it in a sentence that most of us would recognize as high-school English might be a little difficult. We don't want to test English-language proficiency; we want to test whether or not they are capable of understanding the material and acting appropriately when put to the test.

Over the years, there has been concern within the industry that the registrar's office does not have sufficient resources to fulfill all of its obligations. We have often heard that the bulk of the registrar's time is taken up with reviewing licences and appeals. In order to ensure that there is compliance with the legislation, it is clear that this office will require a greater presence and a more developed infrastructure. This, of course, will require funding. These costs cannot be borne by the industry in the form of licence fees or levies. While it is reasonable to expect that there will be fees to be paid by those involved, the entire program cannot be financed through these means, and the ministry must ensure that adequate funding is provided. Anything less will be seen as a lack of commitment on the part of the government to ensure that these revisions meet the needs of the public in this area.

The final area I would like to address is the participation of all sectors of the industry in guiding its future. Since 2002, the Law Commission of Canada has examined the relationship between public police and private security, and it appears that one of the themes of its report to Parliament will be the need for transparent and accountable participation of the private security industry itself in its own regulation. This concept has been adopted in the current legislation before the National Assembly of Quebec.

In Ontario, we need to ensure that all the voices are heard and that the discussion is not dominated by one group over the others. In reviewing the private members' bills before the Legislature on this topic, it would appear that such a situation has arisen. Clearly, the content of those bills was largely influenced by the various police associations in Ontario. One might infer from a reading

of section 40 of this legislation that their influence has been felt here as well.

This is not to say that their input in the process has no value. Their experience in developing curriculum and professional standards is valuable to the private security industry, but that is not the only source of knowledge and expertise. All stakeholders need to be heard as a consensus on the future of the industry in this province is achieved.

It is also important to recognize that we do not live in a vacuum, and that what we do here may affect the ability of companies and individuals to do business in other provinces as well. My concern there would be with companies and people who work and operate their businesses in cities, such as Ottawa, that border other provinces. A company could work in Ottawa and Hull if there was some harmonization of the legislation between the provinces.

The creation of a minister's advisory council is an important step toward achieving these goals. The activities of this group should not be restricted to the review of this legislation, but should be an integral part of an ongoing policy review going forward. The world we live in is changing at an ever-increasing pace, and neither the public interest nor the private security industry will be well served if it takes another 40 years to have a meaningful review of the governing legislation.

In conclusion, I would like to thank the committee for the opportunity to speak to these concerns and assure you of my continued support for your efforts in defining the future of the security industry in Ontario.

1350

The Chair: Thank you, Mr. Murphy. We have under a minute each.

Mr. Delaney: Among your very helpful remarks is one that says that "the delivery of training should not be restricted to ... retailers of security training." Two quick points: How would you suggest that standards for trainers be developed, delivered and adhered to, and secondly, what delivery channels would you suggest?

Mr. Murphy: I think we could develop a certification program for trainers and training programs in much the same way as we've approached the guard side. My great concern here is that training becomes an industry unto itself; it becomes a repository for retired policemen, who may or may not actually be qualified to get this thing done. That's my concern. I think the training should be delivered by professional educators experienced in this particular field.

Mr. Arnott: You work for Woodbine Entertainment, and I'm wondering if there are any issues that come forward as a result of Bill 159 that are specific to the gaming industry.

Mr. Murphy: I can't speak to the aspect of the facility at Woodbine that's operated by the Ontario Lottery and Gaming Corp. Since roughly 1999 we've developed an in-house program, perhaps to try and stay ahead of the curve, but recognizing that to be a responsible business, we need to ensure that people are trained properly. So in that sense, I don't think there's

anything specific. We would like to be able to continue with the in-house program, provided it meets the standard and is shown to meet the standard. It's a matter of flexibility in how we can deliver the training and scheduling for our staff, as well as the cost concern.

We currently spend about \$170,000 a year on training staff. If we have to outsource that, that's going to raise that cost significantly, and we want to be able to control that. Specific to us, we want to be able to deliver the training, provided it is certifiable as competent.

Mr. Kormos: Again, this committee may well be drifting off course, in that my view of the state's responsibility is to ensure that a security guard has the minimum standard of training that ensures that the public will not suffer at his or her hand. What you need from your security guard in your workplace is up to you. I'm quite prepared to let you determine that. You've got the racetrack and the slots.

Mr. Murphy: We don't operate the slots themselves; we do the racetrack side.

Mr. Kormos: So you have security on the ground, but you've also got that penthouse security, the people who make sure that everything is working fine in terms of the pari-mutuels and things like that, that internal security. Have you reflected on whether or not they should have to be licensed in the same manner as the front-line, grass-roots, out-there-interacting-with-the-customers security guards? It seems to me that they're two very different things.

Mr. Murphy: In our structure, everyone on our security staff is rotated through all positions. So if there was a tiered type of licensing, we would certainly approach it as the highest tier, so that all members of our staff would be able to go through all the various requirements and all the various demands.

The Chair: Thank you, Mr. Murphy, on behalf of Woodbine Entertainment Group.

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 528

The Chair: I now invite our next presenter, Pat Green of the Service Employees International Union. Do we have Pat Green in the house?

Interjection: Allan Murray is the spokesman for SEIU.

The Chair: Sure. The designate of the Service Employees International Union, please come forward.

I remind you, you have 15 minutes in which to make your presentation. Please begin.

Mr. Allan Murray: The face of security in Ontario has been changing over the last several years.

The Chair: If you might identify yourself.

Mr. Murray: My name is Allan Murray. I'm the secretary-treasurer of the Service Employees International Union, Local 528. We represent gaming and racetracks in the province of Ontario.

The face of security in Ontario has been changing. Right now it's going through a transitional phase. At one time, security was handled mainly by people near retire-

ment age. It's now getting into where every community college in Ontario is offering law and security courses. So the majority of the people who are coming into the field are trained through a community college.

SEIU, Local 528, represents members from both classifications, and I'm here today just to indicate a few concerns that we have regarding our union members.

Many of our employers offer in-house training that is specific to the racetrack and gaming industries, so some of that is coming through at the moment. These courses are offered by former and current members of the police department through our supervisors in the different tracks who have connections with the police departments. The one I work for is Woodbine Entertainment. We have Metro police, we have RCMP officers, both current and former, coming in to do training for us. All of our members will be working for what are registered employers as opposed to licensee employers, as listed in Bill 159.

With that, I'd like to comment just on a couple of comments here. On licensing, with regard to training and testing, we do have certain members in the older group who, although they do their job excellently and know the work, may not be academically able to pass a written test. Verbally, they might be able to do it. I'm certain they would, that they could handle it, because they do have the training, they do have the education and they've got the experience in doing the job.

Another concern that we have through our union is regarding clause 11(2)(c), where it would be local police conducting the checks and investigations of the employees. That's carried on as well in investigations under section 20. Certain of our employers are large. They employ the local police to do paid duties, to the tune of several hundred thousand dollars. We feel that this could be a conflict of interest. We feel that any investigation should be done through the Ontario Provincial Police, which would not be in a conflict-of-interest area here.

Dropping down to section 40, which would not allow the use of such terms as "law enforcement": Our officers—there's another word I just used—our guards as such are able, through registration with different municipalities, to issue parking tickets, to arrest someone if they have been determined by one of our food and beverage supervisors to be intoxicated. If they put in their keys, if they get behind the wheel, they're capable of arresting these people. If someone is seen by the officer committing a crime, they're able to arrest. In fact, the guards that are out there now are going through these community college courses and being taught that, yes, these are your powers of arrest. They are coming in from the community college courses and learning their powers of arrest, and now they're being prevented from helping out the police by stopping an intoxicated person from getting behind the wheel, driving and possibly killing themselves and killing somebody else.

The term "officer": Through our contract negotiations as a union, several of our agreements have brought the word "officer" into their contracts. It's not a big thing. They have fought for it and they feel it provides them recognition. As has been mentioned here earlier by the

gentleman from Intelligarde, we have pest control officers but we can't have security officers.

Mr. Kormos: We have officers of the assembly.

Mr. Murray: Yes.

As I say, that is the major concern. I'm here today to try to protect the jobs that we do have of our current employees out there, of our union members, and I wanted to bring these concerns to the committee today.

1400

The Chair: Thank you, Mr. Murray. We'll begin with the Tory side. Mr. Arnott.

Mr. Arnott: You would support the idea of competence-based testing, as opposed to academic-based testing, I assume—

Mr. Murray: That is correct, sir.

Mr. Arnott: —to ensure that your current membership are given an opportunity to continue on in their current capacities.

Mr. Murray: Exactly.

Mr. Arnott: How do you design those kinds of competence-based tests? Are there other occupations that use that kind of approach, that you can think of?

Mr. Murray: It's an excellent question. I can't think of one off the top of my head, though.

Mr. Arnott: I'm not trying to say that I'm opposed to it; in fact, I think it's something I would support, quite frankly. It's just, how do you establish those kinds of tests so that they are a satisfactory mechanism for measuring qualifications and performance?

Mr. Murray: As I say, I understand your question. I cannot think of another industry at the moment, but I realize that, as I say, we're in a transitional phase with the security industry, and during this part we do have some members who may have problems on that. I think that some of the employers may have some suggestions along these lines that could help in this area.

The Chair: Thank you, Mr. Arnott. Mr. Kormos?

Mr. Kormos: Thanks for coming. Listen, 31,000 licensed security personnel—I've avoided either "guard" or "officer" by doing that—and a big chunk of them are at risk if we don't develop a way of fairly grandparenting them: a big chunk; I'll bet you at least 50%. Employers: So be it. But you know that some employers will use the opportunity to get rid of people, maybe in a unionized environment, who have been pains in the butt to management: quite competent security personnel but pains in the butt to management.

I appreciate the whole aspect of competency testing. I'm worried, though, that we're going to get so wrapped up in that that we create a heavy, weighted structure in that regard. The fact is that if somebody has been a security personnel for five or 10 years, has kept their licence that long, one has to presume that they've been doing their job. Right?

Mr. Murray: Yes, sir. Correct.

Mr. Kormos: So I really think it's important. I'm going to urge this committee not to let this bill go back to the House until we address this issue of grandparenting or protecting those workers' jobs. So between you, steel and other unions that represent security personnel, I think

we'd better come up with a realistic and fair way of grandparenting these people. I appreciate the competency testing, but I'm not sure that that in and of itself doesn't create unrealistic hurdles for some of these people, because it's the testing in and of itself, as you well know, that can be an incredible hurdle. So we're going to have to move quickly on that, all of us.

Mr. Murray: Yes.

The Chair: Thank you, Mr. Kormos. We'll move to the Liberal side.

Mrs. Sandals: Thank you, sir. I wonder if you could tell us a little bit about the demographics of your membership, because you did raise the issue of competency testing versus a written test. Would you have any idea how many would have less than a high school education, how many would have English as a second language, just in ballpark fractions?

Mr. Murray: I'd say approximately 40% would have English as a second language. Of that, possibly 30% to 35% would have less than a high school education.

Mrs. Sandals: OK. Thank you. That gives us some sense of the group that we're dealing with.

Did I catch you correctly in saying that most of your members are involved around gaming and racetracks?

Mr. Murray: Yes. Our local concentrates on gaming and racetracks.

Mrs. Sandals: So that would be just your local, as opposed to the SEIU globally?

Mr. Murray: That's correct.

Mrs. Sandals: Thank you.

The Chair: If there are no further questions, I thank you, Mr. Murray, on behalf of the Service Employees International Union.

PSYCHIATRIC PATIENT ADVOCATE OFFICE

The Chair: I invite our next presenter, Mr. David Simpson, director of the Psychiatric Patient Advocate Office. Is Mr. Simpson present?

Mr. David Simpson: Yes.

The Chair: You are eagerly awaited. Please come forward.

As you've no doubt discerned by now, you have 15 minutes in which to make your presentation, remaining time to be divided evenly. Please begin.

Mr. Simpson: Thank you, Mr. Chair and members of the committee. We're pleased to be here today to present to your committee and to offer recommendations that we believe will strengthen this legislation to the benefit of our clients and all Ontarians. Let me begin by saying that we are going to only address provisions related to security guards, and then make recommendations specific to security personnel who work in hospitals and mental health facilities.

The Psychiatric Patient Advocate Office provides independent and confidential advocacy services and rights advice to consumers of, and those seeking access to, psychiatric services. Our office conducts public education; instructed, non-instructed and systemic

advocacy. Using information, education and referrals, we support self-advocacy and promote self-determination by working to empower mental health consumers to make informed decisions about their care, treatment and legal rights. We are partisan advocates for our clients.

Many consumers of mental health services come in contact with security personnel in a variety of settings, including hospitals, mental health programs and services, community drop-in centres, shelters, public transit, private property such as local shopping malls and other locations. At times, these interactions are less than positive, or when clients approach security personnel, often their complaints aren't taken seriously because of their illness or their mental health history.

We believe that the proposed legislation and its regulations can have a positive impact by providing proper regulation, control of training and supervision for security personnel, a transparent complaints process, a code of conduct enshrined in the law, a process for revoking and suspending licences, and the requirement that security personnel carry and produce identification.

The PPAO would recommend that the legislation not refer to security staff as security "guards" but instead that the act and definitions be changed to a more neutral word such as "personnel" or "staff." The term "guard" for many of our mental health consumers has a negative connotation, portrays an image of the criminal justice system and reinforces community stereotypes when these staff are utilized in mental health facilities and hospital mental health units. There is a sense that if a security guard is required to sit outside a mental health unit or to be present in such a location, the clients must be dangerous or the staff and other co-patients are in need of protection. We're concerned that this in fact reinforces negative stereotypes. Based on that, we would ask that the committee consider changing the word "guard" and substituting the word "personnel" instead.

Our office would also like to encourage the committee to write a purpose statement that would be enshrined in the legislation to set the tone, context and accountability framework in place while clearly articulating the purpose of the act. Such a measure is important, as it would reinforce key points, state principles of service delivery with special-needs populations and articulate the need for the delivery of service in keeping with the person's special and unique needs, including any disability that they might have. It would also reinforce that the requirement is to use the least restrictive intervention possible and attempt to de-escalate or defuse the situation. It must reinforce that service be provided in an environment of dignity, respect and in keeping with the special needs of the person. We therefore are recommending that the committee prepare a purpose statement that clearly articulates the purpose of the act and its principles.

1410

The inclusion of a complaints and investigation process in the act is a very positive step. It is also key to note that any person can make a complaint to the registrar for a breach of the code of conduct. This will allow for third parties or a non-party to an infraction to lay a complaint

on the instruction of the person themselves. It is our experience as a rights protection organization that many individuals with a mental illness will not file a complaint due to fear of retribution or reprisal, or out of fear of being labelled and harassed by security personnel in the future. As such, they are not comfortable making a complaint, often due to the power imbalances that exist when challenging such authority. Instead, they simply walk away from the situation, even when there is a legitimate complaint to be made. The ability of non-parties to lay a complaint is a positive step, as this will allow support workers, families, advocates and other concerned citizens to do the right thing and bring forward a complaint about a rights violation or inappropriate treatment of an individual with a mental illness. Ultimately, this will heighten accountability.

Our office is also pleased that the act requires security guards, individuals and businesses to be insured. Such a requirement will increase the ability for individuals to be reimbursed for injury and civil claims, yet another accountability that protects all individuals in Ontario.

Subsection 35(1) of the act requires that security guards carry their licences and produce them on request. This provision is not strong enough, as it should also require that the person wear a name badge that is visible, so that those who come in contact with security personnel will know to whom they are speaking. Of course this would not be possible for those doing undercover work, but this provision should apply to everyone in uniform. Many of our clients would not ask for the names of security personnel or to see their licence out of fear or intimidation. However, if the name was visible, they would be able to make a complaint because they would know the name of the individual involved. Such a provision would also heighten accountability to all members of the public.

There is nothing more frightening for mental health consumers than the use of intimidation or force and being confined by individuals they do not know. At times, the mental illness they experience causes them to be afraid when confronted by individuals in uniform, causes them to be fearful for their safety, and potentially may trigger a fight-versus-flight, reaction. It is for this reason that no unregulated, non-medical staff should be empowered to use either force or intimidation in the discharge of their security function. They should be trained in least-intrusive methods for de-escalation and non-crisis intervention. It is our position that security personnel should provide service in a hands-free environment that reflects the principles of dignity and respect for the person. In high-risk situations, it may be more appropriate to involve police who have additional training, or use the services of a crisis intervention team or someone who specializes in work with individuals with mental illness when responding.

Moving on to specialized training for those who work in hospitals and mental health facilities or with other vulnerable populations—my remarks today are really directed at those security personnel who work in hospitals and mental health facilities and with vulnerable

populations. Although security personnel will provide services in a range of venues and with various populations, our office would like to recommend that those who will work in mental health environments and hospitals receive specialized training, given their contact with this vulnerable group that requires the use of special skills. Security personnel working with this specific population should be required to have a special designation that reflects their additional training and knowledge of mental health and legal issues. Given the specialized training that security personnel should receive, there may be issues related to compensation and their role as regulated professionals. We think that the training should include, but not be limited to, some of the following things: an understanding of mental illness; how to respond to individuals in crisis; sensitivity training regarding special needs for disadvantaged populations, including those with mental illness; an overview of mental health and patient rights in Ontario; non-violent crisis intervention training and certification; knowledge of de-escalation techniques; information regarding the use of seclusion and restraint in health care settings in Ontario; documentation standards for once intervention has occurred; understanding stigma and its consequences; and the principles of wellness and recovery.

To comment briefly on the code of conduct, our office thinks it's really important that this committee direct those who will be responsible for drafting the regulations to consult broadly with mental health consumers, families, advocates and service providers to ensure that the code of conduct is comprehensive and includes accountability mechanisms specific to the mental health population. We would also encourage the committee to put in a provision that requires the review of the code of conduct on a regular basis.

The last comments I want to make have to do with confidentiality. Confidentiality is one of the most important aspects of the health care field in Ontario and one that often gets overlooked by providers. Security personnel, in the course of their duties, may learn or become aware of very sensitive and private personal health information related to an individual's mental health. The act must specifically address the issue of maintaining confidentiality and the consequences of breaching it, unless it is an issue where there is a duty to warn or a requirement for mandatory reporting of abuse, which may require such a breach.

Due to the stigma and discrimination associated with mental health and mental illness, a breach of confidentiality can have devastating consequences on a person's employment, relationships, education or standing within their own community. Any inadvertent or unintended breach of confidentiality by security personnel must be disclosed to the person who is the subject of that disclosure. This will create transparency and accountability to the people who will come in contact with security personnel.

The Chair: Thank you very much for your deputation, Mr. Simpson. We'll now begin with Mr. Kormos. One minute each, please.

Mr. Kormos: I appreciate your addressing the issue of security personnel in a hospital and in mental health treatment recovery areas. But shouldn't we be confident that all security guards who are interacting with the public have some basic exposure to the phenomenon—I mean, a bad case of Tourette's can be pretty alarming to somebody who doesn't understand, but in and of itself, it's a relatively harmless condition, right?

Mr. Simpson: Right.

Mr. Kormos: So shouldn't a basic understanding of mental illness be a part of all security personnel training?

Mr. Simpson: I agree with you. I think that sort of training should be part of everybody's training. The statistics say that right now six million Canadians, or one in five of our population, have a mental illness, so the likelihood of somebody coming in contact with an individual with mental illness is very great. I think that if you've had that training and you can de-escalate things and work with people in a respectful manner, that serves everybody well. I would agree with you. I think that training should be open to all security—

The Chair: We'll move now to Ms. Sandals.

Mrs. Sandals: Thank you for your comments, sir. You've given quite an explicit list of training that would be useful for security personnel in mental health facilities. I'm wondering if, in your experience, those folks who are there now have training in some instances that covers all of this, some of this, none of this. What's the state of the world out there right now?

Mr. Simpson: I would say to you that I think most people who are working in a security role in a facility are receiving some training. Is it enough? Probably not. It would be great if it was included in the regulations that this is what's required in terms of training: a standard of practice, a standard of conduct. "Here's what we will expect from you in your role as professional security."

1420

I guess, for us, what's a little bit alarming—and we didn't talk about this bill from all security guards, because we just don't have the expertise to do that—

The Chair: Thank you, Mrs. Sandals and Mr. Simpson. I invite you to continue your comments after the next question. Mr. Arnott.

Mr. Arnott: I'd just like to give you the opportunity to continue to answer that question.

Mr. Simpson: I just want to say that I guess what we're alarmed about is we see more and more often that security personnel are doing things that look like something that a regulated health professional should be doing. They're present and putting on the rubber gloves when somebody's going to be secluded or restrained or forcibly injected. It's because of those things that we think there needs to be a clear role definition so that security personnel aren't doing things that a regulated health professional should be doing.

The Chair: Thank you, Mr. Simpson, on behalf of the Psychiatric Patient Advocate Office.

FANSHAWE COLLEGE

The Chair: I would invite our next presenter, Ms. Pam Skinner, dean of the faculty of health sciences and human services at Fanshawe College, the land of MPP Khalil Ramal, I understand.

Ms. Skinner and colleagues, I'd remind you that you have 15 minutes in which to present. Please begin.

Ms. Joy Warkentin: First of all, I'd like to tell you I'm not Pam Skinner. My name is Joy Warkentin, and I'm senior vice-president of academic at Fanshawe College. I'm representing Ms. Skinner today, and with me is Ray Pritchard, the coordinator of our law and security and police foundations programs.

Mr. Chair, I'd like to thank you and the committee members for giving me this opportunity to present at this public hearing. First of all, I'd like to say to you that we're quite supportive of this legislation. We think that establishing training standards and licensure requirements is an appropriate thing to do to enhance credibility of the workers and, as well, to enhance the safety of the public.

Programming in many of our programs is consistent with the principles of this legislation and we have a lot of experience in educating professionals to meet provincial and national standards, as well as licensure examinations and competency testing of various sorts. The standards for the police foundations and law and security programs, of course, were established provincially by the Ministry of Training. They're consistent across the province, and all of the colleges meet those standards in their educational programs.

If you look at the top of our presentation, you'll see our motto, which is "Community driven—student focused." I'm going to talk a little bit about that as I address this legislation.

Every community college program has an advisory committee, and that advisory committee is made up of employers, graduates in the field and educators. They give the program advice on how the curriculum should be structured on meeting the provincial standards. As well, every five years, they appoint a program review panel, which is external and evaluates the programs. They help us keep our programs relevant and current with legislation and standards.

The faculty of health sciences and human services also has a long history of participating in the accreditation of particular programs, and should that be a requirement under this legislation, we would be pleased to participate and assist in any way we can.

Colleges have long been a provider of education, training and evaluation. We've already been retooling our programs in anticipation of this legislation and have developed appropriate courses and programs.

Consistently, community college graduates demonstrate an ability to meet the outcomes of whatever their program of study, and those outcomes aren't static. They change, depending on the needs of employers, changes in legislation and the needs of clients. We pride ourselves on being nimble and responsive in being able to turn our

programs on a dime. For example, if you look at the changes in the health care aide going to a personal support worker, colleges not only had to change their programs very quickly, but also develop bridging programs for people who were in existing employment to help them meet the new skills, as well as to be able to respond to the testing and competency requirements that would be established.

Presently, we're positioned to offer level 1 certification that's part of a community college diploma and, as well, we have programs in continuing education which offer level 2 certificates, such as the use of restraint and force.

I'm not going to go through all of this, because I know that you're able to read.

We have very appropriately credentialed faculty with relevant and accredited expertise. As well, we have expertise in on-line learning, in different kinds of opportunities for students and options for their learning, and in the support of disabled students and students with learning challenges. We feel that we're positioned to help people deal with the testing requirements that may be forced upon them, because we've had to do that with other students who have challenges in meeting those kinds of requirements.

Our programs are strong and well-regarded, and our graduates are credited with equivalent university course credits in a number of Canadian and international universities.

We feel that we're positioned to assist with the implementation of the training that will be required as a result of this bill, as are the other community colleges in Ontario.

We are somewhat surprised that to this date we haven't been involved in the discussions around this bill. We would really humbly request involvement as the regulations are developed and in the implementation phase. We are prepared to offer you our expertise and assistance and, as well, our support.

Thank you very much for this opportunity.

The Chair: Thank you very much. There's a generous amount of time for questions, beginning with the Liberal side.

Mrs. Sandals: I'm just sitting here thinking, what haven't I asked already?

Ms. Warkentin: I won't feel offended if you don't ask me anything.

Mrs. Sandals: One of the things that has come up is the issue of competency-based examination. Do you have any experience in any of your programs with doing that? Would you care to comment on the reality/possibility/use of competency-based examination?

Ms. Warkentin: We use competency-based examinations in a number of programs. Many of the college programs, of course, are applied and they're in some kind of practice setting, whether that would be nursing, welding, construction or dental hygiene. So we're used to competency exams where students have to demonstrate proficiency in a skill as well as knowledge. We do it all the time. It's pretty common, whether you measure how

far the instrument is going down a gum, whether you're doing it in a virtual reality situation or on a real client, whether it's skill in an apprenticeship or technology program, or whether it's in a health science or human service program where some of the skills are the use of self and you're trying to measure competency in those kinds of areas.

Mrs. Sandals: If you are dealing with health professionals or apprentices, you're probably dealing with relatively small numbers of people. Have you had any experience with competency-based examinations where you're dealing with a very large number of people?

Ms. Warkentin: In nursing, you're dealing with 120, so it's not small.

Mrs. Sandals: We're looking at 30,000 here, provincially.

Ms. Warkentin: If you're looking at doing large-base competency testing, you would have to design your test to meet the outcomes you're trying to measure, and then train people who would do the competency testing. Pick five or six proxies for whatever skills you're trying to test and you would test them. You could do it efficiently. It would take some thinking through of what you wanted the people to demonstrate. I would imagine it would consist of something verbal, something written and then some practice settings or role playing, something like that.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): I just want to say that I am from eastern Ontario and I have the city of Cornwall with St. Lawrence College. We do have police foundations and the law and security courses there. As a retired educator, I've watched a number of my former students go into the program and become employed.

I'm just wondering about your tracking of individuals. I'm wondering about these people who have gone into the course and out into security. We heard comments today about low wages and problems there. Do you track and do you have any idea of how these students fare in the long term? Do they go into police college and become—

Ms. Warkentin: We do track them. Six months after graduation they are surveyed. Subsequently, every time we do a program review we look at the last five years of graduates, where they're working and what kind of wages they're earning. We keep track of that.

I can't answer what they're earning, but Ray probably can.

Mr. Ray Pritchard: Right. In security, they start off at minimum wage, pretty well, and progress from there. Our program is set up so that first year there are articulation agreements with universities, so some will go into security and then eventually go back, get a university degree, and of course they're going to end up making more money. But at the start, yes, they are \$9 or \$10 an hour.

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The Chair: Thank you, Mr. Brownell. We'll move on now to Mr. Arnott.

Mr. Arnott: Thank you very much for voicing the opinion of Fanshawe College on this issue and this bill. You mentioned that you have some element of on-line learning available in this discipline. Can you explore that a little bit with us? How do you do that, and how much more can be done in the future?

Ms. Warkentin: Sure. We have on-line learning available in some respect or other in most of our courses. We have a platform called Desire to Learn, and at present we probably have 1,000 people signed up on any given day. They're able to access their notes and the work that the teacher puts on. It can go from a little bit of their program to doing their program totally on-line, depending on the field and what the student prefers. We're fortunate in that we have enough students that we can usually offer them some options. Some students will do it totally on-line; some students will do a hybrid, where they do a bit on-line and traditional; and some students will choose traditional. So we're quite fortunate.

Mr. Pritchard: Could I just add some comments? There is an ability to take just about all of the police foundations and law and security programs on-line. It's called OntarioLearn. We've already worked through the evaluation process. A student will do the on-line course and then go into a college to do the final examination in a setting where there is an invigilator. It has worked quite well.

The Chair: Thank you, Mr. Arnott. Mr. Kormos.

Mr. Kormos: Thank you, folks, for coming today. I'm not going to be parochial like some of my colleagues; I come from Niagara.

Ms. Warkentin: And Niagara College has a police foundations program.

Mr. Kormos: A real good one, yes.

Ms. Warkentin: Yes, it does.

Mr. Kormos: Look, they're all good; we know that. They've been part of raising the bar tremendously for police officers here in Ontario. The police officer who is hired today is a far different creature from the one who was hired 40 years ago—worlds apart.

We've had two perspectives here. One is a linear perspective: security personnel are to police officers as paramedics are to medical personnel. But we've had other people who have said that, no, these are two different streams. There are some of us on the committee who have concerns about privatized policing—the parapolicing movement—because we believe we have to reinforce public policing. My concern is that the community college seems to treat—and maybe they don't—portions of the police foundation law and security programs as security guard, security personnel and security staff programs. My concern, then, is that you are creating parapolice rather than security personnel. If you teach people how to use force, that implies they're going to use it, as compared to the police association and the Ontario Provincial Police Association, who say, "No. Call the cops." How accurate or fair is that observation?

Mr. Pritchard: Some of the courses we have within our program are designed to get around that very point. We have abnormal psychology, conflict resolution and

interpersonal group dynamics, all geared to talking with people and understanding what types of mental illness might be present. The use of force is downplayed within our program; however, because we're retooling and getting ready for Bill 159 to have royal assent, we are looking at bringing in the use of force.

Getting back to your exact question—what do we do?—we definitely try to tell our people, if they're in police foundations, that if they're looking at going that route, law and security, they're looking at becoming security personnel.

Mr. Kormos: Have I got more time?

The Chair: You do.

Mr. Kormos: It's hard, because—I heard your consideration of the low salary, the low wage, as, "Well, this is just entry level; people move on." But we've talked to people who are security personnel for whom this is their lifetime vocation: a woman we heard today, Ms. Charette; Mr. Caron last week in Toronto. These people are making less than \$10 an hour—in Toronto, Lord love a duck. I understand why a police officer—well-paid, good career, good pension—is highly motivated, when he or she uses force, to do it by the book. They've got levels of supervision; they've got accountability up their noses. Again, they've got a lot at stake. When you're making \$9 an hour and you're confronted with, let's say, a group of unruly kids, it seems to me that you've got a lot less at stake.

My plea to you is, how do we, in this process of raising the bar for that vocation, for that profession, impress upon people that if you pay nine bucks an hour, you're going to end up getting, sometimes, \$9 an hour worth of service?

Ms. Warkentin: But when you raise the bar, put licensure in place and change the outcomes of programs to be more consistent, wages usually rise in response to that. That's been true in the change from health care aides to personal support workers. Salaries have gone up, and those are relatively low-paying jobs.

There will always be students who want to come into the college to take a one-year program or a three-semester program, and perhaps this legislation will require colleges to take a look at what they're doing and offer a different kind of program than is being offered presently. When legislation changes, we have to take a look at what we're doing.

Mr. Kormos: OK. There's this group on developing regulations that's been meeting through the summer. Community colleges aren't there—nobody from the community colleges.

Ms. Warkentin: Not to my knowledge. That was my point.

Mr. Kormos: That's nuts. That strikes me as just boneheaded. Thank you very much.

The Chair: Thank you, Mr. Kormos. Thank you, Mr. Pritchard and Ms. Warkentin from Fanshawe College, for your deputation.

UNIVERSITY OF WESTERN ONTARIO STUDENTS' COUNCIL

The Chair: I would now invite our last presenter of the day, Mr. Ryan Dunn, president of the student council at the University of Western Ontario. Welcome, Mr. Dunn. You have 15 minutes in which to make your presentation, and any time remaining will be distributed evenly amongst the parties afterward. Please begin.

Mr. Ryan Dunn: Thank you. I had no idea I was going last.

Bill 159 has a direct impact on colleges and universities across the province, mainly to do with the part-time employment we offer students in the areas that Bill 159 affects.

Primarily, the university environment is much different from other environments. I'm first going to put things in a UWO context and then go into a broader context. Then I'm going to make some recommendations you can follow, or not.

The university students' council hires 200 student employees annually, and we pay out \$220,000 to these employees. UWO has an exceptional police force that supports our campus bars and our property supervisors as well.

Both our Western Watch, which would fall under clause 2(5)(a) of this bill, and our door staff, who would fall under clause 2(5)(b), are trained extensively. I have copies that I just received today, which I can leave with the committee for their pleasure. They are trained to monitor situations; however, they rely on campus police if something is dangerous or force is needed. I understand that the law cannot be changed for UWO alone, so I'll now put things into a broader context of student unions across the province.

The university environment differs from a downtown environment. Most college and campus bars are segregated. Most Ontario student unions employ students under both clause 2(5)(a) and clause 2(5)(b). The income helps to pay for the scholastic experience: books, tuition, rent, food. Understand that a lot of employees are part-time and that the turnover of part-time employees is very high. So requiring people to go through extensive training will incur costs to either the employees, who are students, or to the employer, and it would have to be repeated from year to year.

There is something to be said for the peer-to-peer nature of the security that goes on at colleges and universities. It's really important that we keep it that way—that we have students acting as door staff and students acting as property supervisors—because it allows people to act in a way that is safe and collegial and in a way that universities strive for.

I understand that this bill isn't trying to curtail such endeavours; it's just trying to ensure that people are properly trained. I understand that and think that's a reasonable request; however, I have a few requests on behalf of universities.

When writing the regulations, please allow that the costs are affordable for student unions. I don't know

what the proposed costs are. When talking to our head of campus police, he was estimating in the range of \$800 or \$900 to be certified. There's a high turnover and we employ many people, so the question is, who gets that cost? Students are already faced with costs for their education. It would be a shame if, in order for them to be employed through a university, they would have to pay more money.

As well, if you do write regulations, please make sure there is a course similar to Smart Serve. I think Smart Serve is a wonderful program, provided by the province of Ontario, which allows people to train at low cost, taking time into account as well. It basically gives people enough training so they can work and support themselves.

Thank you for hearing me. I look forward to your questions.

The Chair: We'll begin with Mr. Arnott.

Mr. Arnott: You made very good points, some that haven't been brought to the attention of the committee to this point. I want to thank you very much for coming in for your presentation. I think these are issues that have to be explored before the bill is brought back to the House and ultimately passed into law.

Mr. Kormos: Mr. Dunn, I don't know: I was a university student in the early 1970s. We didn't drink, and drugs were unheard of, so we didn't have these kinds of problems. This is all new for me.

Mr. Dunn: It's the same today.

Mr. Kormos: Yes; just in case your parents read the transcript. I understand.

This is a problem. It was raised during the course of the discussion because we're talking here about people who are effectively performing a mere watchperson role. In other words, "Here's the dorm. Sit here at the door and make sure that people who don't live in the dorm don't come in. But don't try to arrest anybody. Don't get into any physical altercations. If push comes to shove, you call the campus police." Is that the lay of the land?

Mr. Dunn: That's correct.

Mr. Kormos: This is the most benign sort of security, surely, that we want to accommodate. We've talked about house-sitting, for instance—people who hold themselves out to do house-sitting while somebody is on vacation. We've talked about a university student who might be hired over the summer, by a construction company that's doing work in a subdivision, to sit there in their little shack all night to make sure that nobody drives off with the two-by-fours. That goes on out there.

Do we really want to make these people undertake a course? It's caveat emptor for the employee. The employer knows that he or she can request a criminal record search that's going to cost \$50 or \$60 at your local police station. Is this the problem? I don't think it's the problem, folks. I don't think that anybody in the government anticipated this as the problem when the legislation was drafted.

It's not just on campus; it's off campus as well. Young people like this young man and his colleagues do this sort

of work to finance their way through university and don't even consider themselves to be security guards.

Again, it seems to me that we have to find—you talk about two classes; that is not enough. This is the most benign, lowest level. It's like house-sitting; it's like monitoring the security panel at AlarmForce out of its central office and merely calling the police when the light flashes. Is there a need to regulate these people? I don't think so.

Mr. Dunn: Sir, may I add something else?

The Chair: Please go ahead.

Mr. Dunn: That's a perfectly valid point. If this bill is to pass, I know that our students' union in particular cannot afford the costs. We will now have to outsource these jobs to a professional security organization. That contravenes our mandate, which is to provide the students with the best experience possible, and part of that is student employment. You will be effectively eliminating student jobs across the province, and I think that is very wrong.

The Chair: Thank you, Mr. Kormos. To the government side.

Mrs. Sandals: I think in your comments I heard you include in your concerns the safe walk program, whatever you call it at UWO.

Mr. Dunn: It actually wasn't the safe walk program. Our foot patrol is volunteer, and it would be exempted.

Mrs. Sandals: That's what I was going to say: I was surprised.

Mr. Dunn: It's actually Western Watch, which are basically property supervisors. People would hire them. We're having our homecoming-float-building, and they leave the floats overnight, so what would happen is that people would hire the Western Watch students to oversee the floats overnight. We recently had a stage for our opening ceremonies for orientation week, and again Western Watch was hired to oversee the stage during the nighttime, when nobody was around.

Mrs. Sandals: OK. I understand, then, because I was confused about what you were talking about. So you're back to Mr. Kormos's scenario of watching the two-by-fours, in essence.

Mr. Dunn: Correct.

The Chair: Are there any further questions from the government side?

Mr. Kormos: Who's your MPP?

Mr. Dunn: My MPP is Deb Matthews.

Mr. Kormos: Make sure you talk to her.

Mr. Dunn: I will.

The Chair: Thank you, Ms. Sandals, and thank you as well, Mr. Dunn. On behalf of the committee, you're easily the youngest presenter we've had, so we wish you well, both in your capacity as president of the students' council and your own studies.

I'd remind committee members that the deadline for submitting amendments is Wednesday, September 28, at 5 p.m. This committee stands adjourned until Monday, October 3, for clause-by-clause consideration.

The committee adjourned at 1443.

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