



MICHELIN

New Glasgow, Nova Scotia
3 February 2010

The Honourable Ross Landry
Nova Scotia Department of Justice
PO Box 7
Halifax, NS
B3J 2L6

Dear Mr. Landry:

**Re: Bill No. 59 – An Act Respecting the Provision of Security Services and
Investigative Services**

Enclosed please find a copy of our submission to the Law Amendments Committee. As noted, we believe that many businesses in the Province that have their own personnel at their doors or gates restricting access to their premises, even to members of the public, would be very surprised to learn that this Bill, if passed in its current form, will make such employees subject to the licensing and training requirements of this Bill. We understand that most provinces in Canada that have comparable legislation respecting security services exempt “in-house” security services.

In addition to the submission, we believe that the onus is on those proposing a new regulation to justify the need for it. We are unaware of any evidence whatsoever that there is any need for regulation of this aspect of security services. We urge you to take into account the Government’s Better Regulation Initiative which is “working to keep the benefits and protection of regulation while making it easier to do business in Nova Scotia.” Because we believe that a change to the licensing requirements to exempt only a very narrow type of “in-house” security personnel is unnecessary, we are also sending a copy of this submission to Minister Jennex in the capacity of her Department as Secretariat of the Better Regulation Initiative.

Michelin North America (Canada) Inc.

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P.O. Box 399 New Glasgow, Nova Scotia B2H 5E6
Tel: 902-755-6040

Bridgewater Facility
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Tel: 902-543-8141

Waterville Facility
P.O. Box 5000 Kentville, Nova Scotia B4N 4M4
Tel: 902-538-8021



I hope our comments will be helpful to the Department in its consideration of this issue. Should you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Yours very truly,

George H. Sutherland
General Counsel

cc: The Honourable Ramona Jennex, Service Nova Scotia and Municipal Relations

New Glasgow, Nova Scotia
3 February 2010

The Honourable Ramona Jennex
Nova Scotia Department of Justice
PO Box 7
St. John's, NL A1B 2L6

Dear Mr. Landry:

Re: Bill No. 39 - An Act Respecting the Province of Security Services and
Investigative Services

Enclosed please find a copy of our submission to the Law Amendments Committee. As noted, we believe that many businesses in the Province that have their own personnel at their doors or gates restricting access to their premises, even to members of the public, would be very surprised to learn that this Bill, if passed in its current form, will make such employees subject to the licensing and training requirements of this Bill. We understand that most provinces in Canada that have comparable legislation respecting security services exempt "in-house" security services.

In addition to the submission, we believe that the onus is on those proposing a new regulation to justify the need for it. We are unaware of any evidence whatsoever that there is any need for regulation of this aspect of security services. We urge you to take into account the Government's Better Regulation Initiative which is "working to keep the benefits and protection of regulation while making it easier to do business in Nova Scotia". Because we believe that a change to the licensing requirements to exempt only a very narrow type of "in-house" security personnel is unnecessary, we are also sending a copy of this submission to Minister Jenx in the capacity of her Department as Government of the Better Regulation Initiative.

Minister Jenx
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**SUBMISSION TO THE LAW AMENDMENTS COMMITTEE,
HOUSE OF ASSEMBLY**

BY MICHELIN NORTH AMERICA (CANADA) INC.

**Concerning Bill No. 59 – An Act Respecting the Provision of Security Services and
Investigative Services**

We believe that many businesses in the Province that have their own personnel at their doors or gates restricting access to their premises, even to members of the public, would be very surprised to learn that this Bill, if passed in its current form, will make such employees subject to the licensing and training requirements of this Bill. We understand that most provinces in Canada that have comparable legislation respecting security services exempt “in-house” security services.

Bill No. 59 proposes the following exemption in subsection 3(k): “a person employed by an employer who is employed or engaged to perform the activities of a security guard or private investigator solely with respect to employees or contractors of the employer while acting within the scope of that employment or engagement and who has no interaction with the public.”

For the most part, the only non-Michelin personnel who come to our gatehouses are contractors and suppliers to gain access to the property for business purposes. Subsection 3(k), as proposed, will not exempt our “in-house” security personnel because there is interaction with the public, although very limited. For example, members of the public may pick up application forms during hiring campaigns. The public is not prevented from entering our gatehouses but unless there is a business purpose, they will not obtain access to the property beyond the gatehouse. Nonetheless members of the public visit our premises with consent.

As previously stated in our 2002 and 2007 submissions to the Department of Justice on this topic, we are not aware of any issues with respect to public safety and security and the use of security personnel employed for the sole purpose of providing security services to the employer that would necessitate a change to the licensing requirements.

We can appreciate that the legislation may need updating to reflect developments in the types of security services being offered to the public. However, we strongly urge that you reconsider the language in subsection 3(k) and use the exemption currently in effect in the *Private Investigators and Private Guards Act*, which specifically exempts “in-house” security personnel as follows: “private investigators and private guards who are

permanently employed by one employer in a business or undertaking other than the business of providing private investigators or private guards and whose work is confined to the affairs of that employer”.

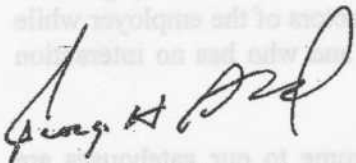
Alternatively, the proposed language in subsection 3(k) of Bill No. 59 could be revised as follows:

“a person employed by an employer who is employed or engaged to perform the activities of a security guard or private investigator solely with respect to employees or contractors of the employer while acting within the scope of that employment or engagement and who has no interaction with the public whose duties do not normally require the application of force.”

The words “who has no interaction with the public” unduly narrow the proposed exemption. We were unable to find these words in comparable legislation of any of the provinces in which “in-house” security services are exempt.

Michelin submits that either one of the foregoing suggested changes to subsection 3(k) of Bill No. 59 will ensure that the security services legislation is updated without unduly burdening those businesses that employ their own personnel to provide “in-house” security services.

Respectfully submitted on February 3, 2010



George H. Sutherland
General Counsel

**ADDITIONAL SUBMISSION TO THE LAW AMENDMENTS COMMITTEE,
HOUSE OF ASSEMBLY**

BY MICHELIN NORTH AMERICA (CANADA) INC.

**Concerning Bill No. 59 – An Act Respecting the Provision of Security Services and
Investigative Services**

This submission is additional to our submission dated February 3, 2010.

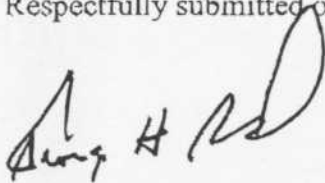
As previously stated, the words "who has no interaction with the public" unduly narrow the proposed exemption. We were unable to find these words in comparable legislation of any of the provinces in which "in-house" security services are exempt.

As these words do not appear in any comparable legislation, the proposed language in subsection 3(k) of Bill No. 59 could be revised as follows:

"a person employed by an employer who is employed or engaged to perform the activities of a security guard or private investigator **primarily solely** with respect to employees or contractors of the employer while acting within the scope of that employment or engagement ~~and who has no interaction with the public.~~"

Michelin submits that either this or our previously suggested changes to subsection 3(k) of Bill No. 59 will ensure that the security services legislation is updated without unduly burdening those businesses that employ their own personnel to provide "in-house" security services.

Respectfully submitted on March 17, 2010



George H. Sutherland
General Counsel