

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

**BY MICHELIN NORTH AMERICA (CANADA) INC.**

**Concerning Bill No. 22— 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.

Bill No. 22 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) of Bill 22 and we propose the following wording for this exemption:

“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~~ **limited** interaction with the public.”

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 the foregoing suggested change to subsection 3(k) of Bill No. 22 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 May 3, 2010



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