



DOLDEN WALLACE FOLICK ^{LLP}

Insurance Law Update

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March 6, 2009

NEW RULES AFFECTING COMMERCIAL LIQUOR HOSTS IN 2009: BRITISH COLUMBIA'S SECURITY SERVICES ACT



The [*Security Services Act*](#), S.B.C. 2007, c. 30, came into force on September 1, 2008. The *Act* and its regulations create a licensing scheme covering fifteen different classes of "security worker", including "security guard services". Commercial liquor hosts in particular should note that "security guard services" includes the provision of "door security at an establishment licensed under the *Liquor Control and Licensing Act*" (the "LCLA").

The legislation initially exempted individuals providing door security to commercial liquor establishments from having to obtain a "security worker license", but that exemption will expire on November 1, 2009. After that date, *all* personnel employed to provide door security at *all* commercial liquor establishments will have to be licensed.

Many commercial liquor establishments choose not to have door security staff, based on the nature of the establishment and its clientele. For establishments not presently employing door security staff, the new legislation will only be relevant if they later decide to hire such staff.

The *LCLA* permits the Liquor Control Licensing Board (the "Board") to impose terms and conditions on any liquor license. At present, none of the terms and conditions of license listed in the *LCLA* require security staff be employed at an establishment. However, liquor establishments occasionally enter voluntary agreements with the Board to employ door security staff, because of the nature of the establishment's business and clientele. If an establishment's liquor license requires that the establishment employ door security staff, then failure to employ staff with valid security licenses could lead to monetary penalties for the establishment, or the suspension or loss of the establishment's liquor license.



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LICENSING REQUIREMENTS

In order to be licensed, a security guard must:

- be “ordinarily resident” in Canada, and over the age of 19 years;
- provide his vital statistics, a photograph, information regarding any mental condition for which he has been treated, his qualifications and history to the Registrar;
- consent to be fingerprinted, and to criminal, police and correctional service information or record checks; and
- complete the [Security Training Basic Standards Training Courses 1 & 2](#), offered through the Justice Institute of British Columbia, which instruct on topics including professionalism, the use of force, evidence, and fire safety.

The [Security Services Regulation](#) imposes a maximum term of three years on security worker licences, after which they must be renewed. Licenses are not transferrable between individuals.

The security worker must carry his license while working and produce it on demand. Furthermore, he or she must report any address changes, or any criminal charges or convictions imposed during the term of the license. Failure to comply with the legislation may lead to penalties of up to \$5,000 against a security worker. It is unclear who will enforce the Security Services legislation. As a practical matter, liquor inspectors may begin including license checks as part of their inspections.

Establishments who employ door staff for security purposes would be well advised to:

- Ascertain which, if any, of its door security staff have completed the requisite Justice Institute training courses. Any staff who have not taken these courses should ensure that the courses are completed in time to permit staff to secure a license. It is safe to assume that the courses will have limited enrollment and be run periodically, so enrol early.



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- Explain to existing door security staff that each must apply for and secure a license before November 1, 2009, to avoid any penalties for breaching the new legislation. The Registrar of Security Services has a discretion to withhold licenses, so door security staff should apply early.
- Make sure they have enough licensed door security staff by November 1, 2009 to continue operating at staffing levels appropriate for the establishment's size and clientele.

More information on obtaining a security worker license is available [here](#) from the Ministry of Public Safety and Solicitor General.

IMPLICATIONS FOR INSURERS

Underwriters and brokers issuing liability policies to commercial hosts should discuss the implications of the *Act* with insureds when assessing risk. The legislation may help to reduce risk by raising professional standards among door security personnel. Compliance with the legislation should also be considered by adjusters and claims personnel when considering the applicable standard of care.

Other sections of the *Act* apply to security workers such as in-store security guards, private investigators, alarm system installers and monitors, locksmiths, and others, all of whom must obtain licenses.

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