

LAW ENFORCEMENT

BUSINESS BRIEFING 2018



PSiRA

Private Security Industry Regulatory Authority

OVERVIEW OF PRESENTATION

- Overview of Private Security Industry Regulation Act and Regulations
- Code of Conduct for Security Service Providers
- Law Enforcement, Inspections and Law Enforcement Strategy
- Compliance and Enforcement Analysis – Gauteng
- Legal Services
- Consumer Interaction in respect of Compliance

PRIVATE SECURITY INDUSTRY REGULATION ACT AND REGULATIONS

ACT AND REGULATIONS IN TERMS OF PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001

- Private Security Industry Regulation Act, 2001
- Private Security Industry Regulations, 2002
- Code of Conduct for Security Service Providers, 2003
- Improper Conduct Enquiries Regulations, 2003
- Training of Security Officers Regulations, 1992 (valid in terms of transitional provisions)
- Regulations pertaining to funding of the Authority (valid in terms of the transitional provisions)
- Regulations relating to Appeals and Application for Exemptions, 2003

OTHER RELEVANT LEGISLATION

- Firearms Control Act, 2000
- Basic Conditions of Employment Act, 1997
- Sectoral Determination 6
- Bargaining Council Agreements
- Criminal Procedure Act, 1997
- National Key Points Act, 1980
- Performing Animals Protection Act

CODE OF CONDUCT FOR SECURITY SERVICE PROVIDERS

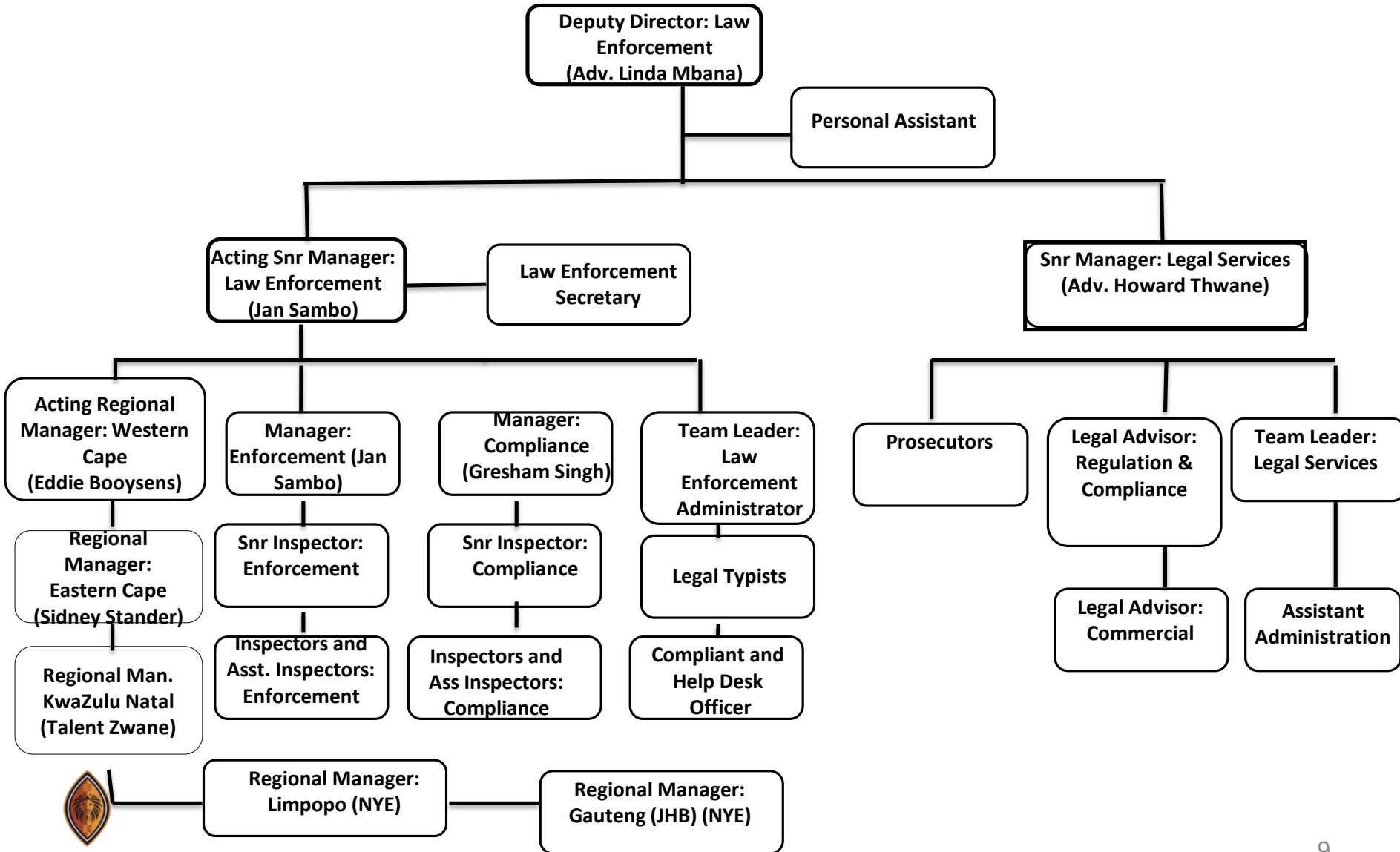
- The purpose of the Code is to provide binding rules that all security service providers and employers of in-house security officers must obey in order to –
 - promote, achieve and maintain a trustworthy and professional private security industry which acts in terms of the law applicable to the members of the industry;
 - promote, achieve and maintain compliance by security service providers with a set of minimum standards of conduct which is necessary to realise the objects of the Authority;
 - promote, achieve and maintain compliance by security service providers with their obligations towards the State, the Authority, consumers of security service, the public and the private security industry in general;

CODE OF CONDUCT FOR SECURITY SERVICE PROVIDERS (...Cont'd)

- ensure the payment of the applicable minimum wages and compliance with standards aimed at preventing exploitation or abuse of employees in the private security industry, including employees used to protect or safeguard merely the employer's own property or other interests, or persons or property on the premises of, or under the control of the employer; and
- specific objectives for employers, management and supervisors, labour brokers, private investigators, locksmiths, consultants and advisors, training providers, events security and electronic security.

LAW ENFORCEMENT DEPARTMENT

PSIRA's ORGANOGRAM : LAW ENFORCEMENT



INSPECTORS (JULY 2018)

REGION	COMPLIANCE UNIT	ENFORCEMENT UNIT	TOTAL
HEAD OFFICE (2 Snr Inspector Vacancies)	26	13	39
<ul style="list-style-type: none"> ▣ Gauteng ▣ Mpumalanga ▣ Limpopo ▣ North West Province / N Cape ▣ Free State 	16	-	-
	3	-	-
	3	-	-
	2	-	-
	2	-	-
WESTERN CAPE	5	4	9
EASTERN CAPE	4	2	6
KWAZULU NATAL	9	3	12
TOTAL	44	22	66
TOTAL INSPECTORS	66		
VACANCIES	6		
ADDITIONAL (2018/2019)	6		

LAW ENFORCEMENT MODEL

Compliance

- Inspections (Business/Security Officer)
- Education
- Voluntary Compliance
- Reprimand/Warning
- Disciplinary Steps
- Firearm Inspections
- Improper Conduct Charges

Enforcement

- Investigations –
- Improper Conduct Charges –
- Criminal Prosecution –
- Internal Prosecution (Legal Service) –



COMPLIANCE AND ENFORCEMENT

FUNCTIONS OF COMPLIANCE AND ENFORCEMENT

- Conduct inspections on SSP (business and individuals)
- Investigate all complaints of non compliance
- Investigate all illegal practices reported
- Firearm Inspections / Investigations
- Liaison with Stakeholders (SAPS, DoL, DoH, PSSPF, etc.)
- Increase revenue capacity of the Authority
- Debt collection (fines and fees during inspections)
- Compile Code of Conduct Dockets
- Open criminal cases
- Consumer interaction – Contract Pricing Structure / Treasury
- Provincial Industry Compliance Forums (PICF)



INSPECTION FOCUS AREAS – SECURITY BUSINESS

- Different areas of focus for different categories or classes of security service providers – Guarding Sector, Locksmiths, Electronic Industry, Training Centers, etc.
- Address and ownership – still meeting requirements?
- Reporting of changes – employment of security officers and other (10 days)
- Registration and training status of security officers – including specialist training
- Payment of annual fees
- Uniforms
- Firearms

INSPECTION FOCUS AREAS – SECURITY BUSINESS (...Cont'd)

- Compliance with labour legislation (SD 6) – Guarding Sector
 - ✓ Minimum wages
 - ✓ Allowances (cleaning, night shift, special allowance)
 - ✓ Working hours and payment of overtime
 - ✓ Payment rates for Sundays and Public Holidays
 - ✓ Annual bonus
 - ✓ Unemployment Insurance
 - ✓ COID
 - ✓ Private Security Industry Provident Fund
 - ✓ Other areas of compliance in terms of labour legislation
- Liaison with Department of Labour

INSPECTION FOCUS AREAS – SECURITY BUSINESS (...Cont'd)

- Keeping of records/documents in terms of regulations
 - ✓ Name list
 - ✓ Salary advices
 - ✓ Attendance register
 - ✓ Posting sheets
 - ✓ Wage registers
 - ✓ Employment contracts
 - ✓ Client list
 - ✓ Client contracts
 - ✓ Personnel files
- Updating records within 7 days of changes
- Future – self evaluation and desk top inspections – linked with renewal

INSPECTION FOCUS AREAS – SECURITY OFFICERS

- Address and other details
- Registration and training status of security officers
- Uniforms and firearms
- ID cards
- Verification whether security officer employment has been reported
- Interview on areas of compliance – labour legislation and other

COMPLIANCE AND ENFORCEMENT FOCUS AREAS

- Non compliance with Labour Legislation
 - Underpayment
 - Independent contractors / Self employed security officers
- Carrying PSIRA ID Cards
 - Registration and training confirmation
- Reporting engagements / terminations of security officers
 - Updating information i.t.o Regulation 8
- Non compliance with PSSPF

DOCKETS PENDING IN RESPECT OF MINIMUM WAGE CHARGE (JULY 2018)

REGION	NUMBER OF DOCKETS
Head Office (North West)	318 (31)
Western Cape	96
Eastern Cape	13
Kwazulu Natal	144
TOTAL	571

PROVIDENT FUND (JULY 2018)

	CASES FINALISED	CASES OUTSTANDING	GRAND TOTAL
HEAD OFFICE (North West)	3 775 (346)	275 (23)	4 050 (369)
WESTERN CAPE	866	152	1 018
EASTERN CAPE	408	16	424
KWA-ZULU NATAL	1 440	316	1 756
	6 489	759	7 248

LEGAL SERVICES

FUNCTIONS OF LEGAL SERVICES

- Prosecution Services of SSP is in terms of Improper Conduct Enquiries Regulations (prosecution and ADR)
- Provide in house legal expertise (legal advisory service) to the Authority
- Manage all litigations
- Facilitation of appeals by SSP's against decisions of the Authority
- Manage exemptions by SSP's
- Provide legal support to Sub-Committees

PENALTIES IN RESPECT OF IMPROPER CONDUCT BY A SECURITY SERVICE PROVIDER

- **A security service provider who has been found guilty of improper conduct, is subject to the following penalties –**
 - A warning or a reprimand;
 - Suspension of registration as security service provider for a period not exceeding 6 months;
 - Withdrawal of registration as security service provider;
 - A fine not exceeding R 1 000 000, 00 which is payable to the Authority;
 - Publication of appropriate details of the conviction of improper conduct and any penalty imposed; or
 - Any combination of the above.

- **Improper conduct also a criminal offence (Regulation 28) Penal Provision**
 - Fine / 24 months imprisonment.

SUB – COMMITTEES

- Regulatory Sub – Committee
 - Withdrawals of Registration (Voluntary / CoC / Infrastructure / Criminal Convictions)
 - Suspension of Registrations
 - Confirmations of Improper Conduct Convictions / Settlements
- Registration Sub – Committee
 - Review of Business Applications
 - Discretionary Decisions on Applications for Registrations
- Training Sub – Committee
 - Instructor Applications
 - Recognition of Prior Learning
- Firearm Sub - Committee

REGULATORY SUB-COMMITTEE (APRIL 2018 - JUNE 2018)

Security Business	National
Withdrawal (Annual Fees)	53
Voluntary Withdrawal	46
Withdrawals at Code of Conduct Enquiries	1
Upliftment of Suspensions	31
Withdrawals (Reg. 5 : Infrastructure & Capacity)	0
Registrations Suspended	7

REGULATORY SUB-COMMITTEE (APRIL 2018 - JUNE 2018)

Security Officers	National
Withdrawal	4
Withdrawals at Code of Conduct Enquiries	1
Registrations Suspended	14

PSIRA/CONSUMER INTERACTION

CONSUMER OBLIGATION – SECTION 38 (3)(G)

- Information on all Government tenders – State Security Agency (vetting support)
- Compliance issues which includes, *inter alia*, the statutory obligation of the business towards the Authority
- Certificate of good standing issued in respect of security service providers which includes, *inter alia*, the following information:
 - PSIRA registration number and registration status;
 - Registration and training status of employee security officers; and
 - Details and registration particulars of directors / members / owners

PSIRA/CONSUMER INTERACTION (...Cont'd)

- Certificate of good standing valid for 90 days (issued within 14 days of receipt)
- Contract pricing structure
- Information on security service providers can be verified on the Authority's website at www.psira.co.za.
- PSiRA App

QUESTION & COMMENTS

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