



PSiRA
Private Security Industry Regulatory Authority

COVID-19

Strengthening the Regulation of the Private Security Industry in South Africa during the Pandemic: The case of COVID-19



About the Report

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in South Africa during the pandemic: the case of COVID-19

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ABBREVIATIONS AND ACRONYMS

BCEA	Basic Condition of Employment Act 75 of 1997
COIDA	Compensation for Occupational Injuries and Diseases Act 61 of 1997
COVID-19	Novel Coronavirus Diseases 2019
PF	Provident Fund
PPE	Personal Protective Equipment
PSI	Private Security Industry
PSiRA	Private Security Industry Regulatory Authority
PSIR Act	Private Security Industry Regulatory Act 56 of 2001
PSO	Private Security Officer
SAPS	South African Police Service
SASSETA	Safety and Security Sector Education and Training Authority
SLA	Service Legal Agreement
SMME's	Small Medium and Micro Enterprises
SMS	Short Message Service
UIF	Unemployment Insurance Fund

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EXECUTIVE SUMMARY

The significance of the private security sector is quite noticeable, and in order to maintain order and professionalism within this sector effective regulation is indispensable. Regulation requires regular consultations, with a view of finding shortcomings and response thereto for the purposes of ensuring the regulatory frameworks and approach remains relevant at all time. This explorative study zoomed into the impact of the COVID-19 pandemic on the regulation of the private security industry (PSI) in South Africa, with a view of strengthening the regulatory approach of PSiRA during pandemics. This study was conducted concurrently with a quantitative survey that explores the impact of COVID-19 on the PSI in general.

It is argued that the COVID-19 pandemic brought into fore multifaceted regulatory challenges to all the regulatory aspects of the South African PSI. The mounting issues on security officers were found to be alarming, with a bold highlight on newly-emerged duties that they are basically not compensated for. The study underscores the need to intensify the protection and championing of the rights of security officers through uniform rules in the industry during pandemics.

The rendering of security services during the COVID-19 pandemic proved to be different from the rendering of security services in normal circumstances. The pandemic triggered the expansion of the scope of security services as service providers were required to take control of hygiene and do temperature screening. This study addresses the regulatory question of whether these services fall within the ambit of security service in terms of section 1 of the Private Security Industry Regulation Act 56 of 2001. It also recommends the need to incorporate these “new COVID-19 -related services” as part of service level agreements. The study further recommends that the Authority’s communication strategy with the private security industry must be strengthened during pandemics.

The study found that the rendering of security training during pandemics was compromised. With the advent of distance learning, the level of unethical conduct, irregularities within the training centre environment increased drastically. The study found that taking control of the examination proceedings by PSiRA, which is currently underway, is the only way to address this challenge. It was found that the process of registration of service providers particularly at the height of COVID-19 had its own highs and lows, the biggest hurdle being the online booking system. The study recommends that the PSiRA online booking system must be strengthened in order to deal with massive volumes of bookings. The study also recommends that the Authority improve its public relations strategy in order to effectively reach out to the public, particularly during pandemics.

As law enforcement is critical in the regulation of the private security industry, the study also found that the operations of the PSiRA inspectorate were to some extent also compromised during the COVID-19 pandemic. With social distancing and isolation requirements implemented during the pandemic, unscrupulous service providers used this to their advantage; to evade being inspected. This prompted the Authority to introduce a self-assessment strategy, which enabled businesses to conduct self-inspection through manually completing forms and attaching certain documents. Noble as this idea seems, it was found that this strategy is not as effective in ensuring compliance, at least for now. The study recommends that the novel self-assessment strategy be mandatory through PSiRA website portal, which should be part of the newly introduced state-of-the-art PSiRA digital platform.

1. INTRODUCTION

In the most general sense, pandemics are characterised by their abrupt and unpredictable nature. The world has been treading in uncharted water because of the invisible enemy by the name Coronavirus (COVID-19). It has significantly changed the daily routines of people's lives. The World Health Organisation (WHO) declared this life-threatening virus a 'global pandemic' and the concerted fight against it. It received global attention, henceforth governments from different countries have adopted and implemented extensive measures to curb the spread of COVID-19. Amid the battle against the pandemic, virtually every industry has been gravely affected.

Coronaviruses (CoVs) are defined as a family of viruses that cause respiratory and intestinal illnesses in human beings and animals and usually cause mild colds¹. Their emergence in a form of the severe acute respiratory syndrome (SARS) epidemic in China between 2002–2003 and the Middle East respiratory syndrome (MERS) on the Arabian Peninsula in 2012, proved that they could cause a severe disease². The world is still battling COVID-19, which has been categorised as a severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2)³. This Coronavirus is believed to be the cause of the COVID-19 outbreak, which was first identified in Wuhan, China⁴.

From the South African perspective, the PSI was not insulated from the COVID-19 pandemic. This study seeks to explore the pertinent and pressing issues encountered by the South African private security industry particularly in the aspect of regulation during the COVID-19 pandemic. It is envisaged that the findings of this study will inform policy development and adaptation, and the possible strengthening of the existing regulations. The study looks at how best the Authority can respond to the challenges caused by the COVID-19 pandemic to the industry at large. The study is curtailed to the South African context, yet the international literature will also be incorporated to demonstrate the profound insight regarding the impact of COVID-19 in the PSI.

In terms of the Private Security Industry Regulatory Authority Act 56 of 2002, the institution (Private Security Industry Regulatory Authority) seeks to: promote a legitimate private security industry which acts in terms of the principles contained in the Constitution.

1 J Cui, Origin and evolution of pathogenic Coronaviruses Nature Reviews Microbiology. (2019) 181.

2 As above.

3 F Wu, A new Coronavirus associated with human respiratory disease in China (2020) 265-269.

4 As above.

and other applicable law⁵; promote private security industry which is characterised by professionalism transparency, accountability, equity, and accessibility⁶; promote high standards in the training of security service providers and prospective security service providers, and promote the protection and enforcement of the rights of security officers and other employees in the private security industry⁷.

This study is triggered by the provisions of section 4(d) of the Act in terms of which the Authority is mandated to take steps to achieve its objects with the means at its disposal and may, subject to this Act conduct an ongoing study and investigation of the rendering of security services and practices of security service providers to identify shortcomings in the Act and the Levies Act. The critical importance of having an up to date regulatory frameworks cannot be overemphasised. It needs to be afforded special attention as it is an imperative aspect for maintaining accountability, sustainability, and professionalism in the industry.

5 Section 3(a) of the Private Security Industry Regulatory Authority Act 56 of 2002.

6 Section 3(c) of the Act.

7 Section 3(m) of the Act.

2. BACKGROUND OF THE STUDY

As already mentioned, South Africa is one of the countries that fell prey to the COVID-19 pandemic. The number of confirmed cases has been increasing exponentially, hence the need for Government intervention has been necessitated. On the 15th of March 2020, in response to the pandemic, South Africa declared a State of National Disaster⁸. Consequently, temporary regulations were put in place as urgent and drastic measures to manage the disease. This was aimed at protecting citizens and minimising the impact of the virus in society.

For the study background purposes, a brief discussion on the National State of Disaster in the context of South African jurisprudence is indispensable. In South Africa, there is a legislative framework according to which the state of national disaster can be declared and coordinated accordingly⁹. Once the national disaster was declared, the national executive was primarily responsible for coordinating measures for the mitigation, prevention, recovery, and rehabilitation from the disaster¹⁰.

The Disaster Management Act¹¹ is strictly for purposes of protecting the public, providing relief to the public, and dealing with the destructive and other effects of the disaster¹². Section 27(2) of the Act allows the issuing of regulations that do not only provide relief to affected persons but also for the control of the movement of people and goods, the provision, use, or control of emergency accommodation, and the sale of alcohol in the affected areas¹³.

The COVID-19 pandemic precipitated special circumstances that warranted immediate action, which aimed to prevent and contain the threat of the virus to our healthcare system, economy, and most importantly, the people within South African borders¹⁴. A national disaster of this nature required social distancing, quarantine, and isolation measures to curb the spread of the virus. The private security industry, in particular, is highly affected and through observations, it can be claimed that some regulations of the industry were compromised.

8 Department of traditional affairs and cooperative governance (2020) declaration of the state national of disaster.

9 Disaster Management Act 57 of 2002.

10 Section 26 of the Disaster Management Act 57 of 2002.

11 57 of 2002.

12 Section 27(3) of the Disaster Management Act 57 of 2002.

13 Disaster Management Act 57 of 2002.

14 'What does a COVID-19 national state of disaster mean for rights?' City Press 21 March 2020.

Considering the aforesaid, it must be noted that the private security in South Africa is among the largest in the world, with over 11 000 registered companies, and almost 2.6 million registered individual security officers. This is many times, more than the available personnel of the combined South African Police and Army. Of the total registered security officers, only 560 000 are registered and actively employed by just under 11 000 registered and active security businesses.¹⁵.

3. RESEARCH AIM & OBJECTIVES

This study explores and analyses the impact of the COVID-19 pandemic particularly on the private security industry in South Africa. It also evaluates the impact of the Government's lockdown regulations on the regulatory mechanisms and functioning of the private security industry in the country. The study will determine the extent to which security training service providers were affected during the COVID-19 pandemic. It will ascertain how the rights of critical role players were affected during COVID-19.

It considers the extent to which the revenue collection in the industry has been affected. The study identifies the emerging duties of the private security officers. Of importance, the study takes stock of what the Authority has done in response to COVID-19, and what it can do to strengthen its regulations. It is hoped that this exploratory study will possibly inform the policy adaptation and development within the South African private security sector.

4. RESEARCH HYPOTHESIS AND QUESTIONS

The hypothesis for this study is as follows:

Lock-down regulations have put the regulation of private security industry under severe pressure warranting the strengthening of the current regulatory frameworks.

The main research question for the study is as follows:

To what extent has the regulatory frameworks of the private security industry been affected by COVID-19 in South Africa?

¹⁵ Thorburn Security Solutions (Pty) Ltd 'safety an immediate challenge for the private security industry in South Africa' viewed from <http://www.thorburnsecuritysolutions.co.za>.

Secondary research questions are as follows:

- (a) What impact have lock-down regulations had on the functioning of the private security industry in South Africa?
- (b) How have the training service providers been affected by COVID-19?
- (c) To what extent are the rights of the security officers affected during the course of COVID-19?
- (d) What are the emerging duties of the private security officers amid the battle against COVID-19?
- (e) To what extent has the revenue collection been affected during the course of COVID-19 in the industry?
- (f) How has the Authority responded to COVID-19 thus far and how can the regulatory mechanisms of the private security industry be improved?

5. RESEARCH METHODOLOGY

This study relied on both desktop and field research in the quest to acquire profound insight on COVID-19 and the impact it has had on the regulatory mechanisms of the private security industry in South Africa. The study was exploratory in nature, and the qualitative research approach was adopted to explore the experiences of critical role players and relevant stakeholders of the private security industry at large. Among others, this research method enabled the engagement with private security providers through structured and semi-structured interviews.

It is important to note that an exploratory study, such as the current one, is used to acquire profound insights, discover different perspectives with an intent to positively contribute to the body of knowledge. Semi-structured interviews essentially provide participants with the opportunity to fully describe their experiences, hence it will mostly be used as a data collection tool. Purposive sampling was also utilised in this particular study, with critical role players and stakeholders registered with PSiRA being targeted. The selection of the participants was based on their roles in the PSI.

6. LITERATURE REVIEW

This part presents the literature review on the subject.

6.1. COVID-19 and “New Normal” in Workplaces

Pandemics are something we are well familiar with. Their abrupt nature often brings unprecedented challenges to the fore. Hence, the response thereto is in most cases determined by the nature thereof and the gravity of harm posed to human life. As highlighted in the introductory part of this study, the whole world is battling with the global invisible enemy, COVID-19, which dictated the halting of various economic activities through lock-down, and led to the loss of human lives, among other things.

Business continuity was interrupted unexpectedly, and to keep the companies operational, various industries adopted different approaches to fighting COVID-19. In doing so, the new normal was witnessed particularly in the space of working sites. It is without doubt that the PSI experienced this “new normal” triggered by the COVID-19 outbreak. In trying to understand this phenomenon, the South African mining industry furnishes a good example. In line with the Mine Safety and Health Act 29 of 1996, the industry developed a mandatory code of practice to mitigate and manage the COVID-19 outbreak¹⁶. The directive stipulates that in the workplace there must be sufficient availability of resources such as pre-screening areas, isolation areas, quarantine areas; security personnel, medical staff, social worker, counselling psychologists, employee assistance program specialists, and administrative assistants; equipment and medical supplies including soap and water, sanitisers, appropriate PPE for healthcare workers and employees, and waste disposal receptacles for used PPE; flu vaccination that prioritises those at high risk of contracting COVID-19 and give prophylaxis where required; and cleaning and disinfection consumables and services¹⁷.

The screening programmes are seemingly pervading the space of work and public places. The ‘screening’ in relation to private security is generally associated with the use of screening devices by trained personnel in detecting various criminal threats. In the field of medicine, particularly in relation to COVID-19, screening refers to a health assessment by which a screener determines whether a person has any symptoms. In addition, a person being screened will normally be asked questions and have their forehead scanned to take their temperature. This practice is pervasive in the private security space. The private security officers that are stationed in retail stores, office parks, and estates take temperature readings at entrances. Where the screening takes place, it is suggested that there must be “engineering controls”, such as physical barriers or dividers, to maintain a distance between

¹⁶ GN 43335 of GG 280, 18/06/2020; 25.

¹⁷ As above.

screeners and workers being screened¹⁸. In order to minimise the spread of COVID-19 in workplaces, employees ought to undertake training on how to properly put on, take off, and dispose of all Personal Protective Equipment (PPE)¹⁹.

Another reality is that education has drastically changed as a result of COVID-19. There is a significant rise in e-learning, whereby teaching is undertaken remotely via digital platforms. Scholars suggest that online learning has been shown to increase retention of information and is somehow convenient. This means that changes brought about by COVID-19 are here to stay²⁰. In relation to the PSI, MacLeod states that there are already countries where aspiring individual security guards can obtain their license to provide private security online²¹. This raises serious concerns over the levels of appropriateness and effectiveness of vetting and training of personnel.

6.2. The Impact of COVID-19 on Private Security

As already mentioned above, South Africa continues to battle with the catastrophic COVID-19 pandemic, and the private security industry has not been insulated. The private security industry is facing unprecedented challenges posed by the pandemic. According to Thorburn Security Solutions, private security officers are the 'first line of defence' and the nature of their occupation ordinarily exposes them to various functions which result in their safety always being a major challenge²². Henceforth, their facilities in remote areas are often at a distance from immediate support, especially medical support²³.

The significance of the private security sector is quite noticeable. Lombaard & Kole indicate that the provision of formal private security services has since become popular in the late 1700s and early 1800s as it became a necessity to businesses and associations²⁴. Caluza argues that countries have become dependent on the services of private security companies to fill in security gaps caused by the restructuring of state security²⁵. Whether South African public security is well capacitated in terms of security personnel is debatable. Asmaa (cited in Caluza) indicated that the number of SANDF personnel has been cut down during the period between 1994 and 2003²⁶. Heineken argues that in as much as private security is a commodity, in recent times we are witnessing the sector over-lapping its scope of work,

18 United States Department of Employment and Labour: Occupational health and safety administration (2020).

19 As above.

20 World Economic Forum: The COVID-19 pandemic has changed education forever (2020).

21 S MacLeod 'Private Security, Human Rights, and COVID-19' (2020) European Journal of International Law.

22 Thorburn Security Solutions (Pty) Ltd 'safety an immediate challenge for the private security industry in South Africa' viewed from <http://www.thorburnsecuritysolutions.co.za>.

23 As above.

24 G Lombaard & J Kole Security Principles and Practice 3rd Ed (2013) 3.

25 L Caluza 'Establishing boundaries: examining the services rendered by private security companies in public spaces.' (2021) PSiRA.

26 As above.

and therefore there is an apparent professional creep into the private sector as the state's capacity appears to have weakened²⁷.

PSiRA's commitment to enforcing the regulations of the PSI in South Africa is clearly noticeable. Sisonke observes that PSiRA has heightened its statutory mandate by intensifying its operations resulting in a major breakthrough²⁸. It is reported that there was a nationwide operation that took place between the 21st and 24th of April 2020, which resulted in not less than 171 individuals being arrested, including directors and owners of private security companies²⁹. Sisonke underscores the need to intensify law enforcement during pandemics as the industry seems to get compromised.

6.3. The Role of the Private Security Sector in Response to the Pandemic

The private security sector is not always held at a very high regard but its significant role in society is hard to ignore. The Confederation of European Security Services (CoESS), in their recent publication titled 'The new normal: private security and COVID-19 in Europe' projects that amid strict lockdowns across the world, private security officers were aiding law enforcement and the ranks of frontline workers to uphold public safety and keeping the economic activities going³⁰. It is stated that private security officers have played a remarkable role during the difficult periods of the COVID-19 crisis.³¹ In the context of South Africa, it is common knowledge that the private security industry was considered as essential service in terms of the regulation made under Disaster Management Act 57 of 2002.

The CoESS indicates that among other things, the private security officers were heavily involved in the following:- ensuring continued protection of land, air and maritime supply chains by private security was essential, particularly to uphold the transport of medical supplies, food, and cash; they were called in to implement infection prevention and control (IPC) measures at hospitals, social care facilities, and supermarkets; and they guaranteed business continuity at Critical Infrastructures³².

From a layman's eyes, private security officers were seemingly "bombarded" with new tasks during COVID-19. Dr Harald Olschok from Germany reports that "the security industry has taken over new tasks very fast, for example, control of hygiene rules in supermarkets and retail stores with different qualifications of the guards³³." Whether their training courses

27 As quoted in D Neille 'Private security: a commodity ripe for subversion in the COVID-19 crisis' Daily Maverick, 1 April 2020.

28 M Sisonke 'Over 170 people in private security sector arrested amid COVID-19 lockdown' Independent Online, 04 May 2020.

29 As above.

30 Confederation of European Security Services White paper: 'The new normal: private security and COVID-19 in Europe' (2020).

31 As above.

32 As above.

33 As above.

adequately equipped them with the necessary skills to manage and carry out those tasks is debatable.

If the private security industry regulators are to take into consideration the issue of newly emerging tasks in respect of the private security officers during pandemics and scrutinise thereon, this would be a major measure turning point for the industry going forward. With that said, according to Safer World, in their recent publication titled 'the role of security in COVID-19 response: an opportunity to build better' private security officers (PSOs) need to be adequately trained to interact with the public safely and be adequately equipped with protective uniforms, masks, and equipment³⁴.

6.4. COVID-19 Inspiring Technological Measures in Safety and Security

COVID-19 has resulted in the growth of technology more than ever before. Nasajpour is making it a point that; when it comes to COVID-19, indoor safety monitoring, 'Internet of Things', devices have proven to play a crucial role³⁵. Rasool (cited in Petrović & Kocić) added that there're various prominent use cases, among other things its temperature check and cough detection³⁶. Petrović indicates that during COVID-19, many smartphone apps have emerged³⁷, these smartphone apps usage covers a quick health state assessment, vaccine scheduling, cough detection, and many other things³⁸.

CoESS on Artificial Intelligence (AI) discourse has made a very bold claim. It has been projected that a major evolution resulting from the pandemic (COVID-19) will be a predictive analysis³⁹. This will take place through the assistance of AI and big data collected by cameras and surveillance software, for example, to predict visitor flows in buildings and public spaces⁴⁰. Given the technical nature of such tools, the deployment thereof will however require adequately skilled and licensed personnel that would be able to operate those tools⁴¹. CoESS further anticipates the accelerated pace of the integration of smart technological solutions in 'traditional' guarding security⁴². Bădea G, the President of the Romanian Security Industry Association, stated that "the COVID-19 crisis pushed our industry to deploy more smart technology solutions and cybersecurity has become ever more relevant, classical guarding will be different to what it was before the crisis hit us⁴³." From a regulatory point of view, these assertions and developments are provocative as far as the regulation of private security during pandemics is concerned.

34 SaferWorld 'the role of security in COVID-19 response: an opportunity to build better' 2020.

35 As quoted in N Petrović & D Kocić 'Smart technologies for COVID-19 indoor monitoring' (2021) 2.

36 As above.

37 N Petrović Prototyping COVID-19 indoor safety solutions within microcomputer systems course (2020) 185-189.

38 As above.

39 Confederation of European Security Services (n9 above).

40 As above.

41 As above.

42 As above.

43 As above.

6.5. COVID-19 and Human Rights in the Private Security Sector

Human rights are fundamental to human life. Philosophers like Hobbes, Locke, and Paine (cited in Binion) strongly believe that rights are not necessarily from God but from our basic humanity, in a sense that the rights are derived from the basic fact that we are born⁴⁴.

It is quite tragic that, in dealing with COVID-19, incidents of gross human rights violations have been committed, by omission and commission⁴⁵. It is observed that we are witnessing the near-universal desertion of the labour rights of the frontline health workers who cried out for adequate PPE⁴⁶. Not to say other human rights are perfectly preserved and realised, in the context of the private security industry, the realisation of rights to fair labour practices and access to PPE are somehow a constant contentious issue.

According to Qi Chen, private security contractors are moving into new public spaces as a result of the COVID-19 pandemic⁴⁷. The private security officers are positioned as humanitarian actors, carrying out public health testing, and tracking, and tracing services, it is said that these developments raise human rights concerns⁴⁸. With the European Commission categorising private security as an 'essential service' or 'critical occupation' this is a direct signal that demand has driven upwards⁴⁹. According to DCAF, the pandemic is also exacerbating existing challenges in the sector, particularly the limited vetting and training of personnel, and poor labour standards⁵⁰. Furthermore, given the extensive contact with the public at medical and testing centres, private security personnel are susceptible to contracting the virus and becoming vectors for transmission of the virus⁵¹. Statistics are already projecting that security guards have the highest number of mortality as compared to other occupations⁵². It is suggested that the provision of adequate and sufficient PPE for all private security personnel must be a priority⁵³. Ultimately, it is argued that COVID-19 should not be used as an excuse to avoid the regulations altogether or to let existing standards drop⁵⁴.

44 H Douglas 'Why There Are No Human Rights.' *Social Theory and Practice*, vol. 10, (1984).

45 W Zambara 'Pandemic-induced human rights violations a double tragedy' *mail guardian*, 06 July 2020.

46 M Heywood 'Human Rights, the Rule of Law, and COVID-19 in South Africa' *Maverick Citizen* 06 June 2020.

47 As quoted in S MacLeod 'Private security, human rights and COVID-19: regulatory challenge at the margin' (2020) 4.

48 As above.

49 European Commission: '2020 Strategic Foresight Report. Charting the course towards a more resilient Europe' 2020.

50 DCAF, Geneva Centre for Security Sector Governance, 'How is the private security industry in Latin America responding to COVID-19' 2020.

51 S MacLeod (n9 above).

52 As above.

53 As above.

54 As above.

6.6. Private Security Regulators' Response to COVID-19

Pandemics and their unpredictable nature often catch regulators off guard. This inevitably exposes regulatory shortcomings. The CoESS suggests that to truly deliver on the private security continuum, public authorities must undertake various activities. One, they must engage in a dialogue with the relevant bodies at a national level in a quest to champion the best interests of the private security industry. This is to expeditiously and jointly address the most urgent and pressing challenges that compromise the safe and effective deployment of private security officers.

Two, public authorities must guarantee the free movement of private security officers in cases of future lockdowns, so they can continue fulfilling their duties. Three, they must attend to the issues in relation to training and certification, it is known for the fact that the pandemic has posed challenges concerning the training and certification of private security officers. Some institutions have come to a complete stop due to administrative hurdles. In contrast, some regulators, PSiRA in particular activated its comprehensive Business Continuity Plan in a bid to ensure that critical functions of the institution remain in motion. Training and certifying private security forces are indispensably crucial in the face of labour shortages.

The call for innovation is made, it is said that new skills will be required with new technological solutions. Four, given that the private security sector in some countries is not prioritized for access to PPE, authorities must ensure that these are prioritised. Private security officers often do not benefit from the same level of legal protection against acts of third-party violence as police officers do, although their contribution is remarkable in the protection of society⁵⁵.

55 Confederation of European Security Services (n18 above).

7. RESEARCH FINDINGS

This part discusses research findings on the impact of COVID-19 on the regulation of the private security industry in South Africa.

7.1. The Pandemic and Mounting Issues on Security Officers

7.1.1. The Compensation for Occupational Injuries and Diseases Directives

The Compensation Fund is a Schedule 3A Public Entity of the Department of Employment and Labour. The Fund administers the Compensation for Occupational Injuries and Diseases Act No 130 of 1993 as amended by the Compensation for Occupational Injuries and Diseases Act No 61 of 1997. The main objective of the Act is to provide compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees, or for death resulting from injuries or diseases, and provide for matters connected therewith

According to the directive published in the Government Gazette on 23 July 2020 (the 'COIDA directive'), where there is evidence that an employee has contracted COVID-19 because of occupational exposure, the employer must report it as an occupational disease to the Compensation Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act of 1993 (COIDA) with 14 days of it coming to the employer's attention. The study found that most, if not all, security officers who contracted COVID-19, did not benefit from the COIDA directive, the reason being that their employers were allegedly not aware and/or ignorant of these developments. In collaboration with the Department of Employment and Labour which is the custodian of COIDA, there is a need for PSiRA to raise awareness to the industry.

7.1.2. Prioritisation of Security Officers as Frontline Workers

It was found that security officers were "frontline workers" during the period of the pandemic. They had been on the ground working since the advent of COVID-19 in South Africa. Disappointingly, private security officers were not prioritised when the government started rolling out the COVID-19 vaccine. According to the consumer survey conducted by the Authority exploring the impact of COVID-19 within the private security industry in general, it transpired that like any other business, security corporate clients experienced COVID-19 deaths. It is indicated that 28% of interviewed security corporate clients recorded a loss of life due to COVID-19 as shown below.

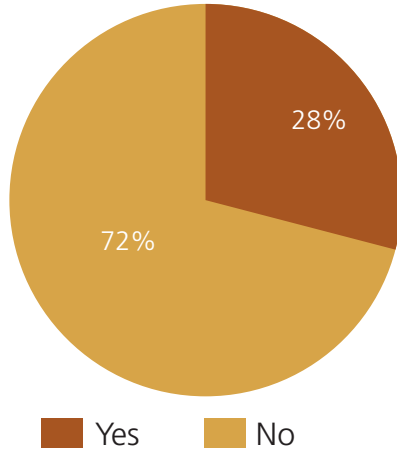


Figure 1: COVID-19 deaths

It has also been indicated that loss of life due to COVID-19 seemingly was not always accurately recorded. However, security corporate clients shared estimated employee COVID-19 related deaths⁵⁶ as follows: 1-5 employees (57%), 6-10 employees (33%) 11-20 employees (7%) and 20+ (2%), as shown below.

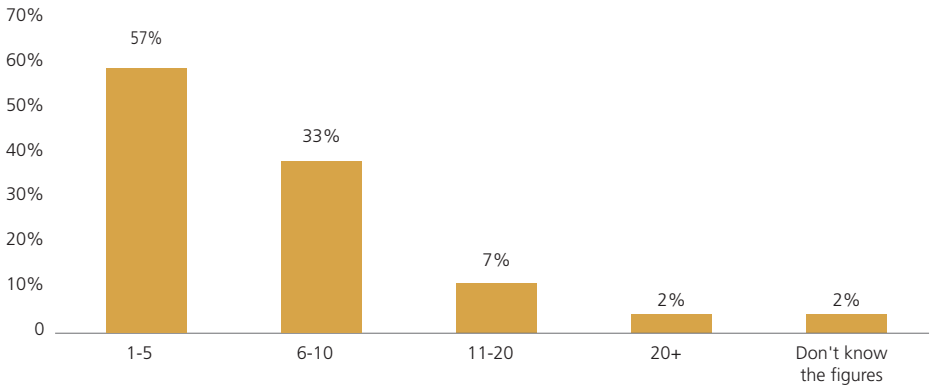


Figure 2: Number of COVID-19 deaths recorded

The above figures are a clear indication that the industry was hard hit by the pandemic, especially the critical role players who were susceptible to the virus yet subjected to occupational exposure as front-line workers.

56 PSIRA 'Survey report on the impact of COVID-19 on the private security industry in South Africa' 2021, PSIRA.

7.1.3. The Increasing Scope of Duties

Ever since COVID-19 emerged, security officers took over new responsibilities which can be said to be outside the scope of their employment. Security officers found themselves carrying out duties such as temperature screening and sanitising at the main access points, and this practice is mostly found at office parks, gated residential areas, and retail stores. This continues to this day. The terms relating to the increasing scope of duties are not in black and white. The security officers carry out these duties on the instruction given by their employers. It was gathered that, in order to promote a private security industry that is characterised by professionalism, these terms need to be accordingly stipulated and understood to protect security officers from exceeding their normal scope of duty without compensation.

Among other things, it was also established that the training was necessary for equipping security officers on what to do and not to do when the temperature of those tested was high or low. The majority of security officers appeared to be clueless when it comes to this issue. The consumer survey conducted by the Authority reflects and demonstrates further the subject of emerging duties for security officers⁵⁷. The graph below shows new or additional duties that security corporate clients expect security officers/security companies to perform as a result of COVID-19. Security corporate clients' expectations seem to relate to COVID-19 safety measures including registers, sanitising, checking temperature (48%) enforcing the wearing of masks and social distancing (41%). In addition, the following were mentioned: Patrolling, supplying PPEs, CCTV Monitoring, delivering food parcels, choosing entirely new markets, widespread telemarketing, help with applications, to prevent long queues, as shown below:

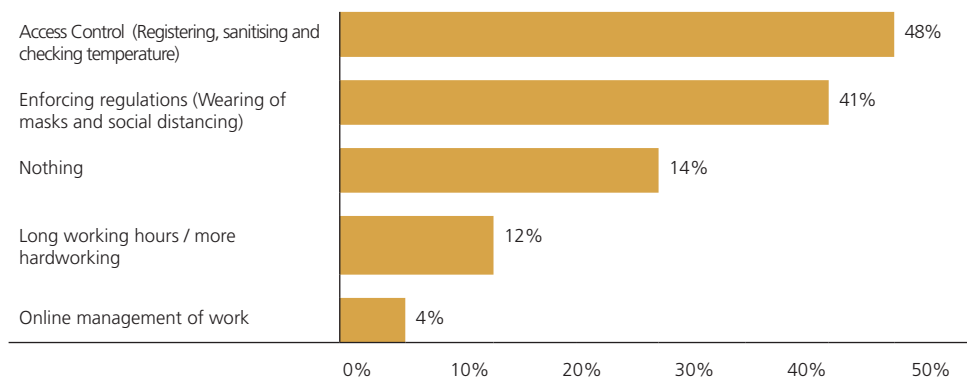


Figure 3: New or additional duties expected from security officers/companies

57 PSIRA (Note 53 above).

7.1.4. The Possibility of Financial Incentives for Security Officers

Security officers who are stationed at access points interact with more than 50 different people a day with little or no preventive measure that protect them from the deadly virus. It was gathered that it would be a sensible initiative/incentive to compensate security officers for their dedication to serve regardless of the exposure they get subjected as front-line workers.

This compensation can come in a form of a “danger allowance” to cater for their special needs during the period of the pandemic. It was argued that as little as two hundred and fifty rands could go a long way for security officers.

7.1.5. Expired PSiRA Identity Cards and the Certificates

The deployment of security officers with expired PSiRA identity cards and certificates was found to be widespread. This was triggered by the struggles and hurdles in the processes of the renewal of certificates and cards.

Quite a number of officers were on-site without updated PSiRA certificates and identity cards not because they wanted to but because of the struggle in relation to printing of certificates. It is indicated that in response to the havoc caused by COVID-19, the Authority introduced ‘bulk renewal’ as a measure to address the issues related to the renewal of certificates. This measure was found to be helpful in closing the gap caused by adhering to COVID-19 regulations. However, there is still room for improvement and the Authority is urged to invest its resources in this area. It has been noted through concerted efforts the Authority have implemented a digital platform in February 2022 which without a doubt will come handy in addressing issues of renewal of certification and matters connected therewith.

7.2. Rendering of Security Services amid the Pandemic

The Authority is legislatively mandated to promote a legitimate private security industry⁵⁸ to maintain and protect the status and interests of the occupation of security service providers⁵⁹.

7.2.1. Thriving of SMME's and PSiRA Intervention

Most of the SMME's were found to be struggling to keep afloat and keeping up with the payment of PSiRA legislative fees. Mr Manabela Chauke, the PSiRA Director, in his overview in the PSiRA 2020/2021 Annual Report highlighted that the smaller security companies were hard hit by the COVID-19 pandemic and lock-down restrictions, which led to some

58 Section 3(a) of PSiR Act 56 of 2001.

59 Section 3(h) of PSiR Act 56 of 2001.

losing their work and this had an impact on the Authority's revenue⁶⁰. As a result of the financial difficulties born of the pandemic for SMME's, to a certain extent, PSiRA was prompted to intervene.

It was established that the Authority issued a leniency notice to rather promote the sustainability of these small emerging security service businesses, which by the industry was found to be a plausible initiative as it saved many small emerging businesses. This notice entailed that a security business regarded as a SMME with outstanding debts could renew their registration as long as they had paid at least 60% of their debt, with arrangements to settle an outstanding balance being in place. This was found to be helpful for SMME's in allowing them to thrive through the pandemic rather than "pinning them down".

7.2.2. Expansion of the Scope of Security Services

The rendering of security services during the pandemic proved to be different from the rendering of security services in normal circumstances. Due to COVID-19, service providers had to quickly adjust and adapt to the norms and protocols dictated by the circumstances. The study uncovered that the scope of security services had expanded in the sense that service providers had to go an extra mile when safeguarding the premises of their clients. Service providers were required to take control over the sanitising and temperature screening at the main access points. It has transpired that clients make these demands on a verbal basis without having formally incorporated them into Service Level Agreement⁶¹. It was indicated that in most cases if not all the time, expenses were covered by the service providers.⁶²

The only reason service providers heeded to demands of this nature is to save their jobs and keep their clients happy.⁶³ It was argued that bearing in mind the definition of 'security services in terms of section 1 of the PSiR Act⁶⁴ if these newly emerging duties fall within the ambit of security services, it must be all in black and white and form part of Service Level Agreement. As earlier discussed, figure 3 above demonstrates further the newly emerged duties for the private security industry as a result of the pandemic.

7.2.3. The Pandemic, Market, and Competition Concerns

As the whole world is treading in uncharted waters, the new normal is seemingly upon us and triggering more challenges than expected. There has been an outcry within the industry over the employment of unregistered security officers as well as the growth of the

60 PSiRA annual report 2020/2021 financial year.

61 Anonymous respondent, interview conducted on 06 September 2021.

62 As above.

63 As above.

64 Section 1 of PSiR Act 56 of 2001 states that 'security service' means among other activities, protecting or safeguarding person or property in any manner.

number of unregistered security businesses. This is said to come with multifaced challenges and cripples the industry to the highest degree. It has the effect of compromising the market as well as the industry at large. This appears to be a big concern for legitimate service providers. It compromises the competition in a sense that the playing field is not even, hence fuelling exploitation within the industry. It was gathered that eradicating “fly-by-night” companies should be a priority, the easy way to effectively curb this scourge is to encourage, promote whistleblowing and protect whistleblowers. The industry is more than willing to report illegitimate service providers, provided that there is a proper channel to do so.

7.2.4. The Communication between PSiRA and the Industry

Communication is very crucial, especially during times of pandemics. The Authority from time to time interacts with the industry. It was indicated that like any aspect of regulating, the communication unit was confronted with a handful of upheavals. The Authority normally holds stakeholder engagements from time to time and due to COVID-19 regulations, these engagements had to take place virtually. The main challenge in this regard was that some stakeholders had limited access to online facilities through which these engagements were held. The stakeholder engagement strengthened to the point of forming up the Provincial Industry Compliance Forum which is constituted by, *inter alia* the Department of Labour, SAPS, and security industry unions. The engagements are held on a quarterly basis in every financial year, the rationale behind this forum is among other things to cultivate and strengthen the culture of compliance within the industry.

Routine campaigns had at some point been halted and the Authority relied on online newspapers and magazines in order to maintain publicity and promotion of the organisation at large.⁶⁵ From time to time, the Authority engaged with security businesses. It engages with employer associations to discuss matters relating to the industry, and from there, information filters down to individual companies. It is indicated that it is ideal for security companies that are based in countryside towns to subscribe to associations through which the communication from PSiRA to the industry is easily facilitated.

7.2.5. The Need for the Rate to Include PPE

PSiRA Regulation 13 states that every security business must provide every security officer with sufficient, distinctive articles of clothing constituting a standard uniform of that business. With the requirement of Personal Protective Equipment during the pandemic, most service providers raised concern over the issue of costs, it has been indicated that when it comes to PPE for security officers during the pandemics, the rate charged to their

⁶⁵ Interview with anonymous respondent, conducted on 17 Jan 2022.

clients is not inclusive of the PPE costs.⁶⁶ This obviously creates a financial burden on the service providers, as they're compelled to financially adjust to the new expenses born of the pandemic. Hence, the study gathered that it would be reasonable if the rate is made to be inclusive of PPE costs during the period of pandemics.

PSiRA conducted a consumer survey in this regard. Security corporate clients were asked about who was responsible for providing Personal Protective Equipment (PPE) to security officers. Security Service Providers seemingly provide PPE in most cases (63%), and Security corporates/clients do so in other instances (30%). However, there were a few cases where security officers themselves were expected to bring their own PPE (4%), as shown below:

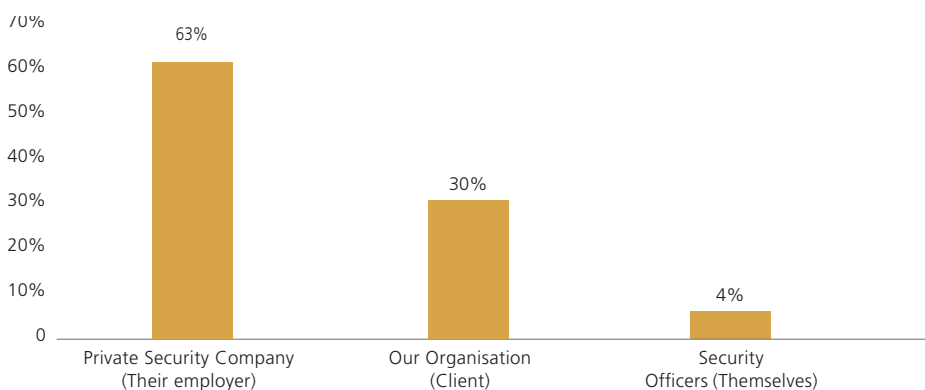


Figure 4: Source of PPEs

7.2.6. Improving Communication With Inhouse Security Providers

The businesses employing their own security officers (in-house) appeared not to be engulfed with issues born of the pandemic. However, it was found that there is need for PSiRA to send out more circulars and monthly newsletters to the industry. The study revealed that the only time in-house security providers get to interact with PSiRA is when the inspector comes in for inspection and when they go to the branch offices for renewals.⁶⁷ It is recommended that within PSiRA website a feature asking website visitors (clients) if they would like to receive monthly newsletters could be considered. In this way, communication between PSiRA and the industry would improve. Notwithstanding the aforesaid, it is argued that the industry must not be inundated with information. Instead, they must be afforded time to digest and ask relevant clarity-seeking questions regarding information communicated to them.

⁶⁶ Interview with Anonymous respondent, conducted on 13 September 2021.

⁶⁷ Interview with Anonymous respondent, conducted on 09 September 2021.

7.2.7. Retail and Installation of Security Equipment amid the Pandemic

With the pandemic requiring minimal contact and movement of persons, this means that service providers are strategising, and coming up with new ways of providing quality security services to their respective clients. The pandemic has triggered a reliance on security equipment more than ever before. As a result, there has been a drastic increase in retail and installation of security equipment within the industry. As aforementioned, many of these businesses are not registered with PSiRA. Seanego⁶⁸ identified some of the regulatory challenges including that the Act falls short in dealing with issues of security equipment in the sense that the Act⁶⁹ does not resonate with the fast-paced evolution of the industry. Definitions are also proving to be problematic, and apparently, the law enforcement personnel cannot charge some of the companies as the legislation falls short. It is said that installers of security equipment are to a certain extent operating in a vacuum since most of them are not registered with PSiRA because the equipment being used is not clearly regarded as security equipment in terms of the legislation.⁷⁰

The equipment used within the industry constantly evolves. For example, currently, the use of IP cameras is fast-growing within the industry as an apparent replacement for traditional CCTV cameras. The argument can be raised that these IP systems are covered as security equipment in terms of the PSiR Act.⁷¹ However, it is recommended that a specific reference to the IP camera system would be ideal. The crux of the matter is that the definition in the Act does not speak to the evolution in 'security equipment', especially where the software is concerned. It is recommended that the Act should specify that both hardware and software qualify as security equipment. The software has become very advanced and relevant in the industry, arguably playing a more prominent role than hardware.

There is a need to address the seeming regulatory gap in order to protect the interest of the end-users. Once addressed, these service providers must be legally required to register with PSiRA, and awareness must be intensified. The Authority may also consider invoking section 38(3)(g) of the Act⁷² in terms of which any person who knowingly or without the exercise of reasonable care contracts for the rendering of security services contrary to a provision of the Act is guilty of an offence. An intensified, workable mechanism needs to be put in place in order to penalise any consumer opting to outsource services to an unregistered (illegitimate) service provider.

68 T Seanego 'The manufacturing, importation, selling and distribution of security equipment' (2018) PSiRA.

69 PSiR Act 56 of 2001.

70 Interview with Anonymous respondent, conducted on 10 September 2021.

71 56 of 2001.

72 PSiR Act 56 of 2001.

7.3. Rendering of Security Training Services amid the Pandemic

The Authority is legally mandated to promote high standards in the training of security service providers and prospective security service providers.⁷³

7.3.1. The Thrive and Challenges of Training Centres

Due to the pandemic and the restrictions issued in terms of the Disaster Management Act 57 of 2002, there was a significant drop in the number of students enrolling for private security training. Training had at some point been halted. This directly translates to a significant decline in revenue collection for the Authority. Furthermore, training centres were compelled to adjust in terms of strategising and coordinating their daily operations, students were no longer attending classes on daily basis, activities that were normally taking place in class were put on hold. Students could only physically come to a training centre to collect the study material and return for examination. Figures reflected a 3.38% drop in revenue generation from the course report in the 2020/2021 financial year compared to 2019/2020.

7.3.2. Approval of Distance Learning by PSiRA

As a result of the crises caused by the pandemic and the new normal, in a bid to keep the operations of training centres in motion, the Authority was prompted to adjust and implement reasonable measures that conform with the rules of social distancing and isolation. It was indicated that amid the pandemic, security training was offered by way of distance learning. Training centres were required to follow a simple procedure in order to get approved for distance learning. The procedure was as follows; a service provider made an application by manually completing an application form that was submitted to the relevant official of PSiRA for evaluation, and thereafter a decision on approval (or non-approval) was made.⁷⁴ It was indicated that no further follow-up assessment was made to verify whether the specific centre was able to cater for distance learning.⁷⁵ This created a regulatory gap in the sense that sometimes a service provider claimed to have trained students through distance learning, whereas no training took place.⁷⁶

73 Section 3(j) of PSiR Act 56 of 2001.

74 Interview with anonymous respondent conducted on 25 August 2021.

75 As above.

76 As above.

7.3.3. Reinforcing Oversight at the Training Centres

There were ongoing concerns over the need to strengthen the oversight in the training centre space. Distance learning created room for unscrupulous training centres to manipulate the system.⁷⁷

It was reported that there were service providers that submitted course reports, claiming to have undertaken security, yet no such training took place.⁷⁸ The current way of conducting training makes it easy for one to commit fraud as PSiRA is largely dependent on the ethical conduct of the service providers.

7.3.4. The Need to Bridge a Regulatory Gap

To bridge this gap the Authority needs to review its approach in relation to security training. On that note, it has been indicated that the Authority has been prompted to review the current *modus operandi* for the training of prospective security officers. The tabled plan is clearly about migrating from the manual-based system to a more digital-based system.

The digital-based system entails capturing of course reports and other things that will be online. The Authority is seemingly in the process of phasing in online examination that will be coordinated, administered and controlled by PSiRA. This means that before becoming a qualified security officer, he/she will go through the standardised examination. This will ensure quality control and strengthen the quality of the end product. Hence, the prospective security officer will be assessed whether the training he/she received is the proper one and up to the required standard. In the context of pandemics, this will come handy in addressing the issues of contact and doing away with unethical practices within the training centre environment.

7.4. Registration of Security Service Providers amid the Pandemic

PSiRA is also legislatively tasked with ensuring that the process of registration of security service providers is transparent, fair, objective, and concluded timeously.⁷⁹ The abrupt nature of the COVID-19 brought multifaceted regulatory challenges to the fore. However, the Authority managed to promptly adjust, and to a certain extent, it effectively fulfilled its legislative mandate. In relation to the registration of security service providers, the study established that Regulation 2, that speaks to the application process of a registration of a service provider, be it a company or an individual was never compromised regardless of the unprecedented challenges and warranted adjustments.⁸⁰

77 Interview with anonymous respondent conducted on 27 August 2021.

78 As above.

79 Section 3(i) of PSiR Act 56 of 2001.

80 Rocco Van Zyl, PSiRA Acting registration manager, interview conducted on 17 August 2021.

In a bid to conform with COVID-19 regulations and ensure, among other things, adequate social distancing, the Authority implemented an online booking system through which the numbers of clients visiting PSiRA branches were controlled in line with the respective alert levels. Adjustments were made on the number of bookings throughout the year, in response to the alert levels to improve service delivery, while still creating a safe environment.⁸¹ Prospective security service providers, registered security service providers, prospective security officers and registered security officers were required to make a prior online booking, either via the PSiRA App, Internet or the PSiRA call centre before visiting any of the PSiRA offices for various business-related matters.

Another measure that was put in place by the Authority in response to the pandemic and to ensure social distancing, was the implementation and marketing of bulk renewal of registration certificates and applications for registration. This entailed that the industry stakeholders (businesses, training centres, etc.) were facilitating the submission for processing, renewal of certificates and applications for registration in all branches across the country.

7.4.1. Improving Online Booking System

The measures put into place by the Authority were plausible. However, as with every strategy, there is always room for improvement. Limitation of the number of bookings triggered a struggle to secure a booking online for many. It placed some PSiRA clients, be it an individual or a company to employ desperate and sometimes unethical measures. The study found that with the online booking in place, there were clients who were prepared to go as far as making unauthorised payments to persons offering or willing to assist with online booking.⁸² The struggle is real and PSiRA clients were vulnerable to being “milked” by unscrupulous opportunists. This level of opportunism undoubtedly gave rise to the breeding of criminal elements.

It was observed that perhaps it would be workable if PSiRA was to deploy some designated personnel at a branch level that would have assisted those who are struggling with the online booking.⁸³ Be that as it may, with the challenges resulting from COVID-19, this was practically impossible. Due to the limited number of bookings at a certain interval and other pandemic-related contributing factors, the Authority saw a significant drop in revenue collection, particularly from the registration unit. Figures reflected a 17.9% drop in annual turnover for registration fees in March 2021 as compared to the annual turnover of the previous financial year.

81 PSiRA annual report, 2020/2021 financial year.

82 Interview with Anonymous respondent, conducted on 16 August 2021.

83 As above.

7.4.2. Reinforcing Internal Communications

It is of cardinal importance that internal communications are well advanced during the pandemics. There is a need to improve internal communication within PSiRA, between the head office and branches across the country regarding adjustment and developments on regulations of the industry and enforcement thereof. For instance, before the pandemic, a security company that had outstanding debts with PSiRA would not be issued with the renewal of registration certificate. It established that upon the adoption of the lenience notice for SMME's by PSiRA, the communique was found not to have been clear enough. As a result, the communication created turmoil and confusion between service providers and PSiRA staff at the branch level.⁸⁴

7.4.3. Reliance on Government Printing Works

The study revealed that government printing works had at some point halted their operation during the pandemic. The reliance on government printing works for PSiRA certificates posed a regulatory challenge as this affected the PSiRA registration process. For four months registration department could not print certificates.⁸⁵ This created a huge regulatory gap in the sense that it fueled non-compliance within the industry. It is recommended that PSiRA needs to possibly explore other alternatives to bridge this gap, should this challenge rear its head in future.

7.4.4. The Possibility of Phasing in Online Registration and Digital Certificates

Most of the time the main challenges with the pandemic are the contact and movement of people. Therefore, the aim to minimise the need to physically come to offices could be perfect in the circumstances. The idea of online registration has been strongly supported. The 3rd of February 2022 marks a groundbreaking strides for PSiRA as the idea of digitalisation has finally materialised. the Authority has implemented the online platform through which among other things registration of service providers can take place.⁸⁶ This means that the only thing that the applicant should only come to PSiRA offices for the purposes of bringing a set of fingerprints and the taking of digital photo.⁸⁷ Otherwise, documents would be uploaded by applicants through their respective online profiles. Once the application is approved, the applicant shall then get a digital certificate.⁸⁸ It has been strongly supported that digital certificates are a way to go, the certificate wont be printable but rather downloadable to close a gap where unscrupulous people who might fraudulently to reprint them.⁸⁹

84 Interview with Anonymous respondent, conducted on 26 August 2021.

85 Anonymous respondent, interview conducted on 17 August 2021.

86 Anonymous respondent, interview conducted on 09 September 2021.

87 As above.

88 As above.

89 As above.

It has a QR code (quick response), through which the validity of the certificate is going to be tested and confirmed. The system will have in-built checks and balances.⁹⁰ The phasing in of the online registration system will obviously need to go concurrently with the current one, whilst everyone is “getting into the groove” of new digital processes. Digitalisation is a way to go when it comes to strengthening the regulation of the private security industry in South Africa, both in the context of pandemics and in general.

7.5. Ensuring Compliance Through Monitoring and Inspection

One of the objects of the Authority is to ensure compliance with existing legislation by security service providers is promoted and controlled through a process of active monitoring and investigation of the affairs of security service providers.⁹¹ This aspect of regulating is a very critical one and was compromised particularly at the height of the implementation of the COVID-19 regulations (lockdowns, isolation, social distancing). The few adjustments introduced by PSiRA in order to keep the inspection operations in motion were commendable.

7.5.1. Difficulties Related to Inspections During the Pandemic

It was found that at the height of COVID-19 there were security service providers who were reluctant to welcome inspectors into their premises. This resulted in physical inspections being minimal during the pandemic. These unscrupulous service providers would normally raise disingenuous excuses not to welcome the inspectors, including informing them that they are in isolation.⁹² An inspector would make appointments with several service providers and end up inspecting a few.⁹³

The main challenge was that it could not be ascertained whether service providers were genuine or just evading inspections. The everyday operations of the inspectorate personnel were also confronted by a handful of upheavals. Some of the service providers were genuinely working from home because of the pandemic, which also made it difficult to conduct routine inspections.⁹⁴

90 As above.

91 Section 3(n) of PSiR Act 56 of 2001.

92 PSiRA Inspector, interview conducted on 09 September 2021.

93 As above.

94 PSiRA Inspector, interview conducted on 10 September 2021.

7.5.2. Phasing-In Self-Assessment for Security Businesses

The COVID-19 related challenges faced by the PSiRA inspectorate in their everyday operations prompted the Authority to readjust and adapt to the new normal. In a bid to achieve the legislative mandate the Authority phased in the concept of 'self-assessment' for security businesses. Self-assessment runs concurrently with physical inspection in dual format, it does not necessarily substitute physical inspection *per se*, however, the intention is to inspect a wider range of service providers across the country. This also assists in closing the gap where there are security service providers that are seldomly inspected. Using contact information from the PSiRA database, the Authority's Business and Information Technology unit sends out inspection report templates to multiple service providers, which requires them to complete the self-inspection by completing the template and attaching requested documents.⁹⁵ The completed form and documents are then sent to the designated provincial inspector for consideration.

The industry has arguably welcomed the concept of self-assessment. Some service providers, however, gave information which does not truly reflect whether they are complying.⁹⁶ The industry as a whole is arguably not transparent. This, notwithstanding, the direction that the Authority is taking is plausible and is proving to be very useful.⁹⁷ Self-assessment has indeed, to a certain extent, proven itself to be useful and convenient in recent times. There is need to intensify workshops within the industry; about self-assessment from time to time.⁹⁸

7.5.3. The Most Commonly Alleged Criminal Activities

The Authority has adopted measures to curb criminal activities taking place within the industry. Despite these efforts, the issue of illegal activities within the industry remains a cause for concern. The study found that there was a slight increase in criminal activities taking place within the industry. Such an increase was arguably attributed to the COVID-19 pandemic. During the 2020/2021 financial year, 877 arrests were made compared to 566 arrests during the previous financial year.⁹⁹ During the period from 1 April 2020 to 31 March 2021 a total number of 1 377 cases were opened by inspectors compared to 1 148 cases the previous year.¹⁰⁰

95 PSiRA Inspector, interview conducted on 25 August 2021.

96 As above.

97 PSiRA Inspector (n 29 above).

98 As above.

99 PSiRA annual report for financial year 2020/2021.

100 As above.

The regional breakdown in respect of criminal cases opened during the period 2020/2021 financial year under in the various offices of the Authority is:

REGION	NUMBER OF CRIMINAL CASES OPENED
GAUTENG	655
MPUMALANGA	177
LIMPOPO	69
FREESTATE	24
NORTHERN CAPE	61
NORTHWEST	74
WESTERN CAPE	188
EASTERN CAPE	59
KWAZULU-NATAL	129

Figure 5: The number of criminal cases opened per region in 2020/2021 FY.

The most commonly alleged illegal activities committed within the industry are as follows:

- The deployment of illegal personnel: The study found that the scourge of employment and deployment of untrained and unregistered security officers continues to be a challenge within the industry, and warrants stringent measures.¹⁰¹
- Unregistered security businesses: The mushrooming of unregistered security companies remains a cause for concern. This scourge is mostly found in KwaZulu-Natal, Mpumalanga, and Western Cape regions, respectively.
- Identity theft/fraud: The PSiRA law enforcement officers discovered that there was identity theft or fraud going on within the industry. The non-registered security officers, mostly undocumented immigrants, use the identities of deceased persons or persons who are in a different province in order to gain employment.¹⁰²
- The use of illegal firearms: The study also found that there was a serious concern over the use of firearms in contravention of Firearms Control Act 60 of 2000. Commonly, the security personnel are found either working with unlicensed firearms or illegal firearms.¹⁰³

101 PSiRA Inspector, interview on 15 September 2021.

102 PSiRA Inspector (n43 above).

103 PSiRA Inspector (n37 above).

7.5.4. The Relationship between PSiRA and SAPS

At the strategic level, PSiRA regularly cooperates with SAPS as the two institutions are part of the security cluster. PSiRA from time to time updates SAPS on what is happening in the private security industry. The relationship between these two entities is founded upon the Memorandum of Understanding between these parties. What is expected from SAPS is generally cooperation and possible collaboration for the purposes of fulfilling the mandate of the Authority.

The study established that in as much as PSiRA and SAPS have a well nurtured relationship at a strategic level, however, there is room for improvement at regional level and at station level. The study gathered that there is a need to revive, fortify and market the Memorandum of Understanding between PSiRA and SAPS every now and then, in a bid to acquaint SAPS members at a station level with the PSiRA mandate and operations across the country. It will be helpful for PSiRA to hold more regular workshops with SAPS, especially with station commanders as it will come in handy in strengthening the relationship between these two entities at all levels. This cooperation is even more important during pandemics where the implementation of the law is compromised.

7.5.5. The Possibility of Additional Investigative Powers for PSiRA Inspectors

Section 205 of the Criminal Procedure Act authorises a judge, regional court magistrate or magistrate to question a potential witness who is likely to give material or relevant information as to any alleged offence. This section makes it possible for a police officer to obtain a subpoena, directing a third party to reveal requested information. It allows investigators the right to access information that is not on the public domain and which can often be classified as confidential such as financial statements and cellular phone records.

There is a call for PSiRA inspectorate personnel to be granted additional investigative powers in order to permit them to obtain evidence from third parties such as financial reports of the company, as this could come in handy in expediting both criminal and code of conduct cases.¹⁰⁴ Section 205 could be a very instrumental tool in the arsenal of PSiRA law enforcement for criminal investigations. It was indicated that most, if not all, PSiRA senior inspectors would have the technical ability to prepare section 205 subpoena given their working experience with SAPS.

¹⁰⁴ Anonymous respondent (n37 above).

8. RECOMMENDATIONS

In light of the above research findings, the following recommendations are proposed.

8.1 Strengthening Working Relationship with the Department of Employment and Labour

The Authority needs to fortify its relationship Department of Employment and Labour in facilitating the awareness on the directives, especially the Consolidated COVID-19 Directive on Health and Safety, and the directive on Compensation for Occupational Injuries and Diseases Act (COIDA) during times of crisis.

8.2 Prioritisation of Security Officers as Frontline Workers

Given the occupational exposure encountered by the security officers and the essential service they provide during the pandemic, there is a need to afford them the same level of prioritisation afforded to other essential workers. It is therefore recommended that the Authority considers engaging the Minister of Health regarding the prioritisation of security officers when implementing preventive measures against the pandemic such as the rolling out of vaccines.

8.3 Strengthening Institutional Communication

Given the fraudulent activities within the industry which directly affect security officers, PSiRA must strengthen its whistleblowing channels, which includes the existing hotline where fraud is reported. Needless to say, the Authority must continue investing in resources aimed at improving its communication strategy. The digitalisation of the Authority is welcome.

8.4 The Need to Improve PSiRA Online System

The introduction of an online booking system received a warm reception from the industry. The online booking system must be strengthened and improved as it is convenient. The PSiRA mobile App must also be upgraded from time to time.

8.5 Improving the Training Model

The current training model was phased in two decades ago, which means that it has arguably lost its relevance given that times have changed and the private security industry itself has evolved. The case of COVID-19 serves as a reference point to demonstrate that indeed there is a need to revise the training model within the industry. The pandemic has

fast-tracked digitalisation, prompted the Authority to adopt distance learning and brought about newly-emerged duties for security officers. The training model must be improved in light of PSiRA digitalisation project and the rendering of security services during times of pandemics and crises. This will better equip the security officers with the necessary skills to apply, especially during pandemics. The security training model must speak to the era we are in and there is a need to “move with the times”.

8.6 The Possibility of Having a Kiosk

With the struggle of the online booking system being evident, there is a proposition that PSiRA must consider taking a step to provide a kiosk to each branch as a form of intervention. The kiosk, with designated officers, will be used to assist security officers who are struggling with their bookings.

8.7 Tackling Identity Theft/Fraud

As a result of the scourge of identity fraud that has been ripe during the pandemic, a swift and decisive response is warranted from the Authority. There is a need to develop the mobile App to provide access to more information, currently, it provides access to very limited information. Inspectors need to have access to the database anytime, anywhere via a mobile app. Currently, they can only database with a computer, which is difficult particularly when they are in the field. It is recommended that registration details of every service provider that is available on the system must be accessed via a Mobile App by the authorised personnel. In a bid to tackle identity fraud, PSiRA inspectors must be able to see the date of birth of the security officer; date, time, and place where registration took place, as well as a home address respectively. This kind of additional information will be sufficient for inspectors to affect an immediate arrest, should there be any discrepancies discovered during the inspection.

8.8 Reinforcing Joint Operations at Regional Levels

Joint operations carried out by PSiRA law enforcement personnel and SAPS during lockdowns have proven to be resounding success in effectively uprooting the rot within the industry, including curbing the scourge of mushrooming illegal security businesses and deployment of non-registered security officers within the industry. There is a need for the Authority to continue to strengthen and reinforce its law enforcement strategy in order to eradicate fly by night companies, and any form of illegality engulfing the private security industry in South Africa.

9. CONCLUSION

The overarching aim of the study was to extensively explore and analyse the impact of the COVID-19 pandemic on the regulation of private security industry within South Africa, with the view of strengthening the PSiRA regulatory frameworks during pandemics. The study established that the COVID-19 pandemic brought into fore multifaceted regulatory challenges regarding the South African private security industry.

Ensuring compliance through inspection and monitoring, registration of security service providers and training of prospective security service providers are critical for regulating the private security industry. All these aspects encountered numerous challenges which prompted the Authority to relook and adjust its *modus operandi* considering the unprecedented circumstances. The introduction of self-assessment for security service providers; approval of distance learning for training centers; and implementation of online booking system for registration are some of the examples which the Authority was able to implement in response to the challenges brought by COVID-19.

At the height of COVID-19, security training was compromised, especially with the introduction of distance learning. The concept of distance learning created a room for irregularities in the training center environment. The study also considered the extent to which rights of security officers were impacted upon by COVID-19. Novel duties for security emerged and this triggered the need for the development of uniform rules for the industry during pandemics. Over and above the traditional security duties, security officers were now responsible for sanitising hands and checking temperature readings of every person entering secured premises.

During the pandemic, PSiRA inspections and monitoring were compromised. This resulted from the COVID-19 pandemic itself and related regulations. While the newly introduced idea of self-assessment for security businesses presented new opportunities for regulating the industry, it had its own shortcomings. With the newly introduced digitalization project, the Authority will be in much better position to minimize any regulatory challenges that may result from any possible pandemic in future.



COVID-19

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