

The Security Business Act 2016: Are you good men and true?

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In Shakespeare's comedy, Much Ado About Nothing, head watchman and malapropist Dogberry instructs his men that falling asleep on duty is perfectly fine and that they should avoid touching a criminal, lest they become tainted by his crimes. Now, as then, security guards are on the receiving end of humour, mostly undeserved. In Thailand, security guards are a fixture of the employment landscape, performing a wide variety of roles and making us feel not only secure but often functioning as a part of an extended family.

Unlike the recent past, present-day security guards are primarily a private security force, regulated to varying degrees in different jurisdictions. The passing of the Security Business Act 2016, however, marks a reverse in the privatisation trend by granting the Royal Thai Police authority over security companies and security guards. This authority extends to licensing of security guards and companies, overseeing mandatory training, collection of licensing fees, and monitoring of daily security company records.

Licensed security guards also need to carry on them their official ID badge, wear their uniforms, and cooperate with police requests made to them while on duty. Police requests for assistance may be made through their employing security company or directly to the security guards.

The police authority to deputise private security personnel to assist in public law enforcement activities such as arrests, quelling disturbances, crime reporting, and preservation of crime scenes means that security guards are now entrusted with much greater responsibility, requiring higher standards of admittance and training.

These new standards have caused concern for security guards, security companies and consumers of security services. Under the new Act, which became effective earlier this year, "licensed security personnel" must be: (i) Thai nationals; (ii) not under 18 years of age; (iii) must have completed compulsory education; and (iv) must have received a certificate of training.

The following persons are prohibited from becoming "licensed security personnel": (i) alcoholics, drug addicts, or communicable disease sufferers; (ii) being of unsound mind, quasi-incompetent, or incompetent; (iii) having been released from prison for less than three years after committing a felony; and (iv) having had a licence revoked within the past two years.

Recent discussions revolve around security guards fearing the loss of work, should they not qualify under the new restrictions. A "grandfather clause" that would allow existing security guards to continue working would assist in preventing an immediate shortage. There are also concerns that the impact of licensing fees and training fees on the security guards themselves could exacerbate any shortage. Security companies may, however, feel it prudent to absorb these fees and include them as part of the overall service fee increases expected from the Act.

Security companies' additional concerns include, but are not limited to, the reduction of available labour in the already tight labour market, bumping up against the Labour Protection Act when it comes to unqualified, un-grandfathered security staff employees, and additional administrative burdens. The higher base standard for guards and more uniform training methods may require additional efforts for security companies to differentiate themselves from the competition.

The consumers of security services are concerned mostly with the passing on of increased costs and potential shortages of security staff. A final group not mentioned above includes those who do not outsource their security and instead provide their own security staff -- will they be deemed to be a security company? The answer is unclear.

While the concerns expressed by all stakeholders are legitimate, most can agree that raising the standard for security services in Thailand is a worthy goal achievable through the existing provisions of the Security Business Act. The long-term effects of imposing reasonable minimum qualification standards, requiring training and uplifting professionalism, appear to outweigh any short-term adjustments the security guard market will undergo.

While the stakeholder concerns surrounding the impact of the Security Business Act are not much ado about nothing, as Theseus declares to Hippolyta, "or in the night, imagining some fear, how easy is a bush supposed a bear!"

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