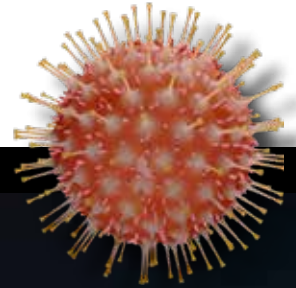




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**STAY AT HOME** 

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in this issue we feature...

**COVID-19**

*“We always want to know how the UK security industry compares to the rest of the world. TPSO asked one of the leading names in German security **Florian Horn**, to give us an overview....”*

# Security Industry in Germany

When I travel around the world, preparing for my trip, like packing my suitcase, also means reading about the legal requirements of the security industry at my travel destination. The current Corona situation has probably thwarted my travel plans this year, but I am even more pleased to give you a look at the private security industry in Germany.



In Germany there are currently working around 270,000 employees in the security industry, the majority of whom work in property protection and factory security, but other areas such as the protection of refugee accommodation, event security and reception services are becoming increasingly important. The number of employees is only slightly less than the sum of the federal and state police officers and the doubling of number of persons employed in the past 20 years shows the increasing importance of the industry. In 2009, we were already defined as an important pillar for internal security at the annual conference of interior ministers. Nevertheless, we are originally affiliated to the responsible Federal Ministry for Economic Affairs and Energy, since we can be found legally anchored in the classic commercial law. Despite years of discussion, Germany does not have a special law that also reflects our value and importance.

The valid paragraph here is "§ 34a Gewerbeordnung (GewO)" (in English: Gewerbeordnung = trade law), which stipulates: "Anyone who wants to guard the life or property of other people for commercial purposes (guarding trade) requires the permission of the authority." In addition, evidence of specialist knowledge must be provided, whereby since 2019, lawmakers have made no distinction between the expertise of a security employee and a trader. Even if there is still a master craftsman's duty in Germany, the requirements for someone who wants to protect life, health and property are extremely low. It is important that the service is provided for a third party, your own in-house factory security is not subject to these regulations.

After various incidents in connection with the migration wave in 2015 and the guarding of refugee accommodation, the verification mechanisms for the reliability and thus the demands placed on the profession were tightened. You have to know that there are several laws in Germany that define a background check according to its own standards, they are not harmonized. An activity at the airport requires a different background check (aviation security check) than, for example, the work in the legal area of nuclear facilities. According to § 34a GewO, an entrepreneur is unreliable if he belongs to an organization, association or party that is constitutionally prohibited, has been convicted of a crime (attempt and completion) five years before the application to practice business, lives in disorderly financial circumstances and/or does not have the required liability insurance for the business.

If you want to become a security employee in Germany, you need at least a training (called "Unterrichtung") as a prerequisite for admission; for certain activities - such as the entrepreneur - you need to have a certificate of competence (called "Sachkundeprüfung") and must be at least 18 years old. The training course comprises at least 40 units of 45 minutes each and includes several aspects of law (public law, commercial law, assault weapon law and data protection law), dealing with people/communication skills and aspects of security technology.

For the defined activities in public or areas with public access (buses, trains, shopping centers, city patrols), protection against shoplifters and guards in the entrance area of clubs/bars, you will need the certificate of competence. It also applies here, if the store detectives or bouncer are employed by the company, no requirements according to § 34a GewO have to be met. A new addition is the obligation to check the qualifications for managerial positions in asylum accommodation and for access-protected major events.

However, once you have completed the training course or got the certificate of competence, you do not have to prove your knowledge or skills again. These certificates are valid for life, which unfortunately also means that someone who passed the exam in 2010 and then worked in another industry for 10 years can start guarding again overnight. We do not have any licensing or the obligation to acquire a license, but fortunately a guard register (called "Bewacherregister") has been implemented for about a year. For the first time, all active security staff are recorded here, stored with their qualifications and checked for reliability. Automated interfaces to the state police (standard query) and to the protection of the constitution (domestic intelligence service - query required for defined activities) are even planned here. Only those who are stored here can operate as a company in principle and as security staff and the individual number (we Germans love complicated names, which is why this identification number is also called "Bewacherregisteridentifikationsnummer") must be noted on the ID cards.

No special authority is responsible for the implementation and control to ensure compliance with the requirements; due to the fact that they are anchored in trade law, the trade offices or other regulatory authorities are in addition responsible to retail, craft and, under certain conditions, prostitution. It becomes very clear here that the importance of our daily work is not reflected in the legislation, monitoring, control and professional practice.

But what we can be really proud of in Germany is the range of training and qualifications beyond the minimum requirements: There are two classic vocational training courses, the three-year specialist for protection and security and the two-year training for service personnel for protection and security. Career changer can also acquire the qualification as a "Certified Protection and Security Officer", in addition there is the IHK-certified "Master for Protection and Security" (IHK means Chamber of Industry and Commerce), or you can top off your CV with a bachelor's and master's degree.

In addition, there are other obligations that are laid down in the "Bewachungsverordnung" (Legal Ordinance of Guarding): For example, each security guard must be given a written administrative instruction before the first commencement of duties, indicating that he has no powers of the police or other state authorities. Likewise, a firearm, tear gas or cutting and thrust weapon (e.g. truncheon) may only be carried on duty with the consent of the employer. German gun law is very strict here anyway, so I would basically conclude that the majority of security guards do their job unarmed. If equipment is provided by the employer, he is obliged to ensure that it is in good condition and to give instructions on how to use it.



This is essentially due to the fact that there are no special rights to protect the customers and properties. Like any private individual, security forces only have the everyman's right, such as "self-defense, defense of others and provisional arrest" under the requirements defined in the law. What remains are domiciliary rights, which can be very effective but whose implementation and use are ultimately up to the house owners themselves.

This is particularly important when it comes to mandatory instruction regarding the property characteristics, which is prescribed for all shifts in which service is carried out. Above all, the employee must be instructed in the dangers and in the peculiarities of performing his duties. Further requirements can be found in the laws on occupational safety and health and accident prevention regulations, which also require physical and mental suitability, for example. This can be relevant because of the age structure in the industry with almost 25% employees above 55 years old.

Finally, perhaps a few words about the position and reputation of the industry in society. I can only give you my personal impression here due to the lack of studies and findings:

With envy, I often look at the existence of the SIA and the information and awareness campaigns there. The Security industry miss that in Germany! We have industry associations, but in their function they are classic employers' organizations and have no monitoring and control obligations. Even more so, no investigations into violations are initiated and sanctioned if necessary.

And in my opinion, this is also reflected in the social view of the security industry. On one hand, we have a bad reputation because the old image of security staff is still present and there is simply no one who makes the change in tasks and professionalization understandable to the general public. On the other hand, because there are always incidents which confirm the aforementioned in the media. You may have read about the spectacular burglary in two German museums: One in the Bodemuseum, where the gold coin “Maple Leaf” was stolen with the participation of a security guard, and lately in the “Grünes Gewölbe” in Dresden, where the public prosecutor is now investigating against four security guards. In this area of tension we are perceived as heroes when it comes to protecting events and Christmas markets from terrorist attacks. Because our police have significant resource and recruitment problems and withdraw more and more from their actual core tasks. (Subjective) security thus becomes an economic good and based only on everyman's rights.

*(..... Sounds strangely familiar..... Ed.)*

## Florian Horn

Florian is security consultant (Berlin/Germany), respected author, blogger and regular podcaster, making him one of the most well known security industry names in Germany and with rapidly increasing international recognition.



Florian Horn

