

Legal update

Venezuela's private surveillance and security services regulation

February 2018 Labour

On February 16, 2018, the President of the Republic decreed the Private Surveillance and Security Services Regulation (Regulation), published in the Official Gazette (E) N° 6.364. Hereinafter we point out the most significant aspects of the law.

Scope

The Regulation covers all persons or companies (employers) that render services of: (i) private surveillance and security; (ii) transfer and custody of currency; (iii) transportation and custody of people and goods; (iv) protection of people and goods; and (v) civil escort of people.

Hiring personnel

In order to be hired, people willing to render services to the afore-mentioned companies or persons must: (i) be Venezuelan; (ii) over 18 years of age, except in the case of protection of people and goods for which the minimum age requirement is 25; (iii) have a high-school diploma; (iv) have completed the approved training courses requested by the ministry, provided by certified entities, which must include psychological and physical evaluations; (v) have finished the mandatory military service; (vi) not have criminal backgrounds; (vii) have not been removed from police or military forces; (viii) have completed the approved weapons-handling course; (ix) possess the weapon with its permit; and (x) any other requirement set forth by the authorities.

It is forbidden to hire public employees while they are rendering services to the government. The employer will be responsible for the hiring process.

Employer obligations

The employer must guarantee the rights of its employees based on the Constitution of the Bolivarian Republic of Venezuela and the Organic Labour Law, for Male and Female Workers. Additionally, it must guarantee the training of its personnel, which must attend the courses organized by the ministry.

Employer responsibility

Employers will be held responsible for damages caused by the acts and omissions of its employees.

Work uniforms and equipment

Uniforms: employers must provide the uniforms to its personnel, which must also comply with the Regulation requirements. The uniforms must be unique and cannot be similar to the ones worn by police or military forces. They can only be used during working hours and must be returned to the employer when employees are on vacation or retired. Additionally, they must be approved by the ministry, after which they cannot be modified.

Weapons and equipment: can only be used by personnel during their working hours, in the places agreed upon by contract. The weapons and equipment should be stored in the employer's storage unit at the end of each work day and a detailed registry of weapons movement must be kept.

Vehicles: the maintenance, proper functioning, presentation and identification of the vehicles is the sole responsibility of the owner of the vehicle. The employer is responsible for all damages caused by the vehicle, therefore it must take out an insurance policy.

Effective date

The Regulation became effective as of its publication in the GORBV on February 16, 2018.

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