

IN THE MATTER OF

Complaint by **MARIE THOMPSON**
against **RED BADGE GROUP LIMITED**
under s 73 of the Private Security
Personnel and Private Investigators Act
2010 (the Act)

DECISION

[1] Marie Thompson has made a complaint of misconduct against Red Badge Group Limited as she says that one of its employees racially profiled her while she was working at the Auckland Central Library. That guard has subsequently been identified as Mr Y who holds a current certificate of approval.

[2] As noted in my previous direction, for any complaint of misconduct to proceed against a company the alleged misconduct must be on the part of the company or one of its officers. Mr Y is a security guard employed by Red Badge and not a director or officer of Red Badge. In addition, Red Badge took all appropriate steps when informed of Ms Thompson's complaint.

[3] There is no basis for any complaint against Red Badge. Therefore, leave to file the complaint against Red Badge is declined. I have considered whether the complaint should be amended to one against Mr Y. However, for the reasons set out below I do not consider a complaint of misconduct could be established against him. Therefore, any application to amend the complaint to one against Mr Y is declined.

[4] I accept that Ms Thompson believes she was racially profiled by Mr Y and treated differently because of this on three separate days when she visited the Auckland Central library. This is however denied by Mr Y and Red Badge. Even from Ms Thompson's own account it appears that Mr Y initially followed her up the stairs because she was drinking from a water bottle and he wanted to check the library rules about water for the research area where she was working. This was Mr Y's explanation when Ms Thompson confronted him and asked why he followed her the next day.

[5] Red Badge advises that Mr Y's actions as outlined by Ms Thompson were consistent with his brief and the duties required of him. They also advise that Mr Y has been a reliable employee and received praise from both the library staff and other sites where he has worked. This is the first complaint of any nature they have received about Mr Y.

[6] Misconduct is defined in s 4 of the Act as conduct that a reasonable person would consider to be disgraceful, wilful, or reckless. Despite what Ms Thompson believes, there is no evidence to establish that her ethnicity or race was a motivating factor in the way Mr Y treated her while he was working as a security guard at the library. Even if there was his conduct was not such that a reasonable person would consider it to be disgraceful, wilful, or reckless. Leave to file a complaint against Mr Wu is declined and the complaint is dismissed.

DATED at Wellington this 12th day of April 2022



P A McConnell

Private Security Personnel Licensing Authority