

BROKERAGES – Occupational Health and Safety

Purpose: This bulletin highlights the requirements brokerages and real estate appraisers must meet under Alberta's *Occupational Health and Safety Act*.

This bulletin applies to real estate brokerages, mortgage brokerages, and real estate appraisers.

Section 41(g) of the *Real Estate Act* Rules states that industry professionals must comply with the provisions of the *Real Estate Act*, Rules, Bylaws, and Regulations, and any other Alberta laws that govern trading in real estate or property management, dealing in mortgages, or providing real estate appraisal services.

In June 2018, the government of Alberta made significant changes to the *Occupational Health and Safety Act* that effects the business of industry professionals.

Major changes under the new Act:

- organizations that employ five to 19 people must have an appointed health and safety representative
- organizations that employ 20 or more people must have an established health and safety program which includes the implementation of a health and safety committee
- harassment and violence in all forms, including domestic and sexual violence, are now defined as workplace hazards

Health and Safety Representative

Alberta's *Occupational Health and Safety (OHS) Act* requires all organizations (including brokerages and real estate appraisers) that employ five to 19 people at a particular job site to have an employee health and safety representative appointed. This representative is chosen by the employees, not appointed by management. The representative is responsible for meeting regularly with the management, such as the broker, to discuss health and safety matters.

Health and Safety Programs

In the *Alberta Occupational Health and Safety Act* "health and safety program" means a coordinated system of procedures, processes and other measures implemented by an organization to promote continuous improvement in occupational health and safety.

All organizations that employ 20 or more workers will be required to implement an occupational health and safety program (OHS program).

An OHS program is a tool which promotes health and safety and minimizes the risk of injury and illness. Each program must have 10 mandated elements and must be reviewed every 3 years.

Health and Safety Committees (HSC)

In compliance with the OHS program all organizations (including brokerages and real estate appraisers) that employ 20 or more people at a job site (including industry members and administrative staff) must have an established workplace Health and Safety Committee (HSC).

The role of the HSC is to advise and assist, and not assume managerial responsibilities for health and safety in the workplace.

If your brokerage or company requires an HSC, it must be made up of employees *and* management. The employees must choose how they will select their own members to the committee.

This HSC is responsible for:

- addressing concerns and complaints about the health and safety of workers
- identifying and clearly communicating worksite hazards to workers or other persons
- developing, promoting and evaluating measures to protect the health and safety of all employees
- cooperating with Alberta Occupational Health and Safety Officers exercising duties under the *Occupational Health and Safety Act*, the Regulations, and the Code
- developing and promoting programs for education and information concerning health and safety
- making recommendations to the broker respecting the health and safety of workers
- investigating in serious injuries and incidents at the worksite
- maintaining records on concerns and complaints received
- attending other matters relating to the duties of the committee
- performing additional duties as may be specified in the *Occupational Health and Safety Act*, Regulations and Code

As required under the *Occupational Health and Safety Act*, employers will support the establishment and work of the HSC by:

- providing adequate resources, time and training to help committees and representatives function effectively
- holding meetings and carrying out duties and functions during normal working hours
- posting the names and contact information of HSC members and representatives where they are accessible to all employees

Brokerages must review their brokerage's health and safety program every three years.

Important note:

- Independent contractors, such as the industry professionals in your brokerage, count towards the employee total at a job site
- Each job site with the number of employees listed above must have its own committee or representative, so if your brokerage has multiple offices, you may need multiple committees or representatives

New Types of Occupational Hazards

Harassment and violence in all forms, including domestic and sexual violence, are now defined as workplace hazards. Under the new rules, employers must develop workplace harassment and violence prevention plans and address incidents when they occur.

The new rules include, but are not limited to:

- define workplace harassment and violence in all forms, including domestic and sexual violence
- require employers to investigate incidents of violence and harassment and take corrective action
- require employers to develop separate violence and harassment prevention plans
- require review of plans at least once every three years
- require employers to advise workers of treatment options if harmed by violence or harassment; workers are entitled to wages and benefits while attending treatment programs

Related Information

[Section 41\(g\) of the Real Estate Act Rules](#)

[Occupational Health and Safety Act](#)

[Highlights of OHS changes](#)

[Health and Safety Programs](#)

*Workplace Harassment and Violence
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