

# REAL ESTATE AGENT OUT-OF-OFFICE SAFETY

**1ST EDITION**

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It is the nature of the real estate industry that agents are often at clients' properties alone or with prospective buyers or renters. This out-of-office work leaves agency staff particularly vulnerable to the risk of injury as a result of aggressive behaviour by a property enquirer.

Real estate agents have been threatened and assaulted in the course of their normal work activity. There have been reports of assaults during property inspections and recently in Victoria an agent was murdered. Anecdotal information suggests that assault and rape occur within the real estate industry, but are often unreported. Incidents, such as a fall or the onset of a medical condition, also have the potential to leave agents without necessary emergency assistance.

This publication aims to help the real estate industry to identify out-of-office work hazards, especially when agents are working alone. It also suggests control measures to assist employers and employees to meet their responsibilities under the *Occupational Safety and Health Act 2004* (OHS Act).

## MINIMISING THE RISK OF PERSONAL INJURY

Aggression can take the form of actual physical violence, intimidation or threatening behaviour. Employers should have suitable procedures in place to minimise the risk of aggression and other health and safety risks. Employers need to provide information, equipment and training for employees who work out-of-office.

At a minimum, if an aggressive client has been identified and a decision is made to meet with the client, the visit should be conducted in pairs. Agencies should also implement the suggestions contained in this document where reasonably practicable.

### Personal advertising

Personal advertising can take a number of forms, including staff photographs on business cards and photographs published in conjunction with sale and lease advertising. Some agents have found personal advertising an advantage in reaching people who speak languages other than English and communities that have different customs; the personal portrayal of agents can promote good standing in communities.

However, other agents have identified personal advertising as a hazard and have ceased the practice. Research shows personal advertising, for example listing personal phone numbers or a home address, is a hazard and increases the risk of criminal intent.

The best industry practice for agencies is to not publish photographs or personal contact details.

If an agency relies on personal advertising, employers are required to identify any hazards associated with the practice, and eliminate or reduce those hazards where reasonably practicable. Agencies should establish safe work procedures, followed by the necessary information, instruction, and training, for people who work alone. The agency should discuss with staff the reasons for this approach to marketing, and ensure employees agree and comply.

Staff should limit the amount of personal information they make public; they should provide a mobile phone number, not a home phone, and use an office address rather than a home address.

### Establishing a person's bona fides

Meeting anonymous enquirers alone is a hazard and exposes agents to criminal intent. Risks associated with meeting new clients need to be controlled through practical solutions.

One way to reduce risks is to require unknown enquirers to visit the office to establish their bona fides. If this is not possible, agencies should put safe work procedures in place, conduct a risk assessment of the situation and follow with suitable controls to ensure the agent is not placed in danger.

# REAL ESTATE AGENT OUT-OF-OFFICE SAFETY

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Safe work procedures may include obtaining these details from enquirers:

- particulars such as references, employment details, address and other forms of identification;
- mobile and land-line phone numbers, and confirming the appointment with a return call; and
- car make and registration number; if the car is stolen the enquirer will be reluctant to give details.

## Meeting new enquirers

When engaging new clients it is preferable to meet in an open office setting or similar environment where others can observe who the agent is meeting. When meetings are not conducted in the office, the agency should have a procedure of logging where the agent is going, who the agent is meeting and when the agent will return. Preferably, the agent will provide these details to others in the enquirer's presence.

If unscheduled meetings are arranged while agents are offsite, this information should be communicated back to the office – again ensuring the enquirer is aware this information has been shared. Any meeting date and time should also be tentatively arranged and then confirmed. Where confirmation can't be made, the agent should not attend the appointment.

## Managing environmental hazards

At the time of listing a property, the agency should conduct an inspection to identify security concerns, such as doors and windows that cannot be locked, access via the rear of the property or the absence of people living or working nearby. Agents should trust their instincts and report any concerns.

Under the OHS Act, the employer has a responsibility to provide a working environment for employees that is safe and without risk to health, as far as reasonably practicable. Employers also have the responsibility to ensure that others, including the public, are not exposed to risks to their health and safety in the process of conducting their business.

A check should be made of any defects at the inspection property which may cause an injury to the agent or the enquirer, including:

- fall and trip hazards;
- unsound flooring; and
- exposed wiring.

Other hazards include:

- aggressive animals;
- unsafe structures;
- chemicals;
- pools; and
- machinery.

Agencies should record these hazards on the listing file and take action to either fix the problem or prevent people from being exposed to the hazards.

## Advertising properties as vacant

Agencies should identify potential hazards and implement controls when advertising properties for sale or lease in a manner that indicates that the property is vacant. Vacant properties attract unlawful entry, use, and occupation.

## WORKING SAFELY OUT-OF-OFFICE

### Making regular contact

Regular phone contact between the office and the agent working out-of-office is a safe work practice; agents should carry mobile phones for this reason. However, mobile phones can't always be relied on because there may be a lack of coverage in some areas or a network disruption. Establish a suitable back-up system for agents working alone, such as a dedicated radio system, pager or personal alarm device that is coded to alert the receiver that the agent requires immediate help.

The agency should ensure that there is a procedure for regular contact during out-of-office work and that employees are trained in this procedure. Make arrangements to make phone contact at given times. Failure to respond to a call should trigger emergency procedures. If employees are assaulted or threatened, they should be able to notify police immediately through a 000 speed-dial setting on their phones.

### Maintaining motor vehicles

The agent's work vehicle (private or company owned) should be regularly maintained so it is operational, safe and unlikely to break down. The agency should put arrangements in place to have vehicles serviced at regular intervals and audited against a safety checklist. Keep a record of vehicle maintenance, including manufacturers' recommended service intervals. These procedures may include an employee workplace agreement to ensure private vehicles are maintained regularly.

It is preferable to use vehicles with remote locking and alarms.

### Conducting property inspections

It is preferable that agents and enquirers take separate cars to a property inspection. When this doesn't occur the agent needs to undertake a risk assessment.

Agents should always arrive early and park as close as possible to the inspection property where the vehicle can be accessed quickly and where it will not be blocked in.

When listing the property or prior to an inspection, the agents should allow time to check the condition of the property, especially outer doors in case there is a need for them to leave the property quickly for personal safety reasons.

# REAL ESTATE AGENT OUT-OF-OFFICE SAFETY

The following are some good practices to build safe work procedures for property inspections. Agents should:

- notify neighbours that an inspection is occurring;
- retain a clear path to the exit, such as standing in a doorway while inspecting a room;
- make an excuse and leave the site immediately if the enquirer becomes aggressive or makes the agent feel uncomfortable in any way;
- where practical, conduct inspections during the day, but if evening inspections are necessary, ensure you are accompanied;
- turn on all of the property's internal and external lights if a night inspection is unavoidable, and leave your vehicle's parking lights on for the duration of the inspection.
- utilise your coded phone message or alarm device if at any stage you feel you are at imminent risk.

For 'open for inspection' viewings, employers should ensure that there is sufficient staff available to cover any security concerns and adequately supervise the number of expected enquirers. Put procedures in place to record the identification details of members of the public. This has the effect of deterring people with criminal intentions.

## Securing keys and cash

Agencies should have procedures in place for the safe custody of keys. Keys should be coded or tagged in such a way that the property address can't be identified. Keys that show a property address may be used to gain unauthorised access, and this may compromise an employee's out-of-office safety.

If keys are handed out for prospective clients to conduct their own inspections, recommend that the new tenants change their locks, as keys can be easily taken to a locksmith for copying.

Agents should discourage the collection of cash, in or out of the office. Promote alternative methods of payment where possible. An agency that is known to receive cash payments becomes a burglary target. Unless cash-handling security arrangements are put in place, cash in the office or with an agent becomes a major health and safety risk for employees. Encourage tenants to pay rent electronically or by cheque.

## MAINTAINING A HEALTHY AND SAFE WORKPLACE

### Consulting staff

Agencies can enhance health and safety by conducting regular meetings in which staff have the opportunity to raise and discuss personal and workplace safety issues. Nominate an employer representative with appropriate authority to deal with issues as they arise and whom employees can refer safety issues. Employers and those in charge of a workplace should take action to eliminate or reduce risks and provide feedback to employees.

Electing an employee health and safety representative, establishing a health and safety committee and implementing a workplace health and safety policy will help to develop and improve a safety culture.

### Reporting incidents

Incidents need to be reported to the agency, whether they are actual events resulting in an injury or situations with the potential of causing an injury (a near-miss). No incident should be treated as 'unmentionable'. Agencies need to have, or to develop, a culture in which issues of personal safety are considered the most important.

WorkSafe Victoria needs to be notified of certain incidents; see the WorkSafe publication *Guide to Incident Notification* for details. Report incidents of a criminal nature to police immediately.

### Dealing with aggressive people

Establish safe work procedures for staff dealing with aggressive people. Keep records on file of any actual or potential aggression. If a situation deteriorates and the agency can't meet its obligations under the OHS Act, the agency may need to stop conducting business with certain individuals because the situation is unsafe for employees.

### Allocating work

The responsibility on employers to provide and maintain a safe working environment extends to considering employees' psychological health. An agency should have a clear policy that requires those in supervisory positions to refrain from setting work demands that could place employees in unsafe work situations.

For example, it could be unreasonable to require an employee to conduct an 'open for inspection' or a 'rental viewing' alone at a property where the client is known to have a history of intimidating behaviour towards that employee.

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## FURTHER INFORMATION

### About this publication

This publication has been developed by WorkSafe Victoria in conjunction with the Real Estate Institute of Victoria Limited (REIV). Information presented in this publication represents a means by which compliance with the OHS Act may be achieved. Agencies should assess their own situations and implement suitable controls to ensure compliance in any given case. The word 'should', which is used throughout this publication, is intended to be advisory.

This publication describes good safety practices subject to what is 'reasonably practicable' for the duty holder in accordance with the OHS Act.

### Acts and regulations

To obtain copies of the OHS Act and/or relevant regulations, go to Information Victoria's website at [www.bookshop.vic.gov.au](http://www.bookshop.vic.gov.au) or call (toll-free) on 1300 366 356.

If you want to view the legislation, you can find it at the Parliament of Victoria's website: go to [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au), select 'Victorian law today' and scroll down to the 'Search' window.

### WorkSafe Victoria

WorkSafe Victoria produces a range of guidance materials that provide comprehensive advice on systems for controlling risks in the workplace. For more information, visit WorkSafe's website at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au) or contact the WorkSafe Advisory Service on (03) 9641 1444 or (toll-free) 1800 136 089.

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