




Exploitation of an Elderly or Disabled Person



Commission
des droits de la personne
et des droits de la jeunesse

Québec

www.cdppj.qc.ca



This publication is for anyone who is in contact with an elderly or disabled person.

You may be a family member, healthcare worker, bank employee, volunteer, home care assistant, police officer or involved in a community group.

What is exploitation?

Exploitation means **taking advantage of an elderly or disabled person's vulnerability** to deprive them of their rights.

This person may be physically, psychologically, socially, economically or culturally vulnerable.

In Québec, **exploitation of elderly and disabled people is prohibited under section 48 of the Charter of Human Rights and Freedoms.**

Examples of financial exploitation

- Someone uses the victim's credit or debit card to purchase items that don't pertain to the victim.
- The victim is forced to pay for services they are not receiving.

Examples of physical or psychological abuse linked to exploitation

- The victim is isolated and denied visits from or communication with relatives.
- The victim is prevented from getting appropriate medical services.



How can I recognize cases of exploitation?

Exploitation very often involves financial abuse.

In fact, this is the type of situation most often reported to the Commission.

Someone who exploits may be a relative or anyone else who has ties to the victim.

Financial exploitation may cause psychological distress and be accompanied by physical abuse.

Who may be vulnerable?

A vulnerable person is someone who isn't able to defend their rights and interests even though they are legally competent to do so. A combination of several factors can determine if a person is vulnerable:

- Dependency on another person for basic needs (e.g., eating, bathing, taking care of themselves)
- Advanced age
- Psychological or physical illness
- Loss of autonomy
- Cognitive decline associated with aging
- Isolation
- Loss of a spouse or partner
- Illiteracy
- Fear of reprisals

What do we do when a case of exploitation is reported to us?

- We first assess whether the situation falls under our jurisdiction and determine whether we should conduct an investigation.
- If we can't investigate, we make sure to refer you to a resource appropriate for your situation.
- If we decide to investigate, we question witnesses and gather evidence.
- In some situations, we can take measures to put an end to the exploitation. The goal is to ensure the safety of the elderly or disabled person, or to protect their goods or property.
- It is important to remember that we always examine the possibility of reaching an agreement between the victim (or the person representing them) and the respondent.
- We try to obtain the consent of the victim before taking action, whenever possible.
- Depending on the findings of our investigation, we may apply to the Human Rights Tribunal for compensation.

Did you know that...

The Québec Charter of Human Rights and Freedoms protects you if you suffer reprisals after filing a complaint with the Commission or participating in an investigation.



Exploitation of an Elderly or Disabled Person

3 real
examples

You suspect a case of exploitation?

If you have reason to believe that an elderly or disabled person you know is a victim of exploitation, there are two ways you can help.

Get informed

Contact us for information.

1-800-361-6477 or information@cdpdj.qc.ca

Report the situation or file a complaint

You can report a case of exploitation.

All reporting is confidential. If you believe that you yourself are a victim of exploitation, you can file a complaint.

1-800-361-6477 or plainte@cdpdj.qc.ca



**Victim of exploitation
by the owner
of a seniors' residence**

**A family member
contacted the Commission.**

The Facts

The victim was an 87-year-old man who suffered from mild Alzheimer's. He had been living in a seniors' residence for three years. His two children suspected that the owner of the residence was exploiting their father. They discovered, for example, that their father had been giving her signed blank cheques after she told him about her financial difficulties. The victim wanted to help so that the residence wouldn't close, which would have forced him to move.

The Commission

During its investigation, the Commission discovered that the owner of the residence had cashed cheques worth \$11,977.82 drawn on the victim's account. Yet residence directors and employees are prohibited from accepting donations from residents. It was clear to the Commission that this man had been a victim of exploitation because the owner had abused her position of power with respect to the victim to obtain money, which constitutes exploitation under the Charter of Human Rights and Freedoms.

The Tribunal

The Human Rights Tribunal found that the owner was in a position of power relative to the victim and that she took advantage of the situation for financial gain. Furthermore, the Tribunal ruled that the owner undermined the victim's dignity and discriminated against him based on his age and state of health. For these reasons, the Tribunal ordered the owner of the residence to pay a total of \$14,977.82 to the victim's estate since he had died in the meantime.



**Disabled people
were victims of exploitation**

By the couple who provided housing

**A situation reported by the Health
and Social Services Centre (CSSS).**

The Facts

A couple living in the Laurentians housed boarders in their two-bedroom apartment. Two of the boarders were disabled and receiving social assistance. In all, ten people lived in the apartment. Boarders slept on the floor and were given only one meal a day in this overcrowded space. Most of the food came from a food bank and the boarders had to sit on the floor to eat their meals. Each boarder paid between \$350 and \$500 rent per month although the couple's monthly rent was only \$500.

The Commission

After conducting an investigation in conjunction with the CSSS, the Commission found that some of the boarders were vulnerable and that they were abused physically and psychologically. It decided therefore to represent them before the Tribunal.

The Tribunal

The Human Rights Tribunal ruled that the couple had intentionally abused the vulnerable people who boarded with them and that these people's right to inviolability had thus been infringed. Furthermore, the Tribunal concluded that two of the boarders had been victims of discrimination as defined by the Charter, based on their disability and social condition. The couple was sentenced to pay \$25,500 in damages to the victims.



Victim of financial exploitation

By someone he trusted

A case reported by a social worker.

The Facts

The victim was a 56-year-old man who suffered from psychological distress and memory loss and was no longer able to take care of himself. Someone he knew suggested that he come to live with her so she could look after him. Right from the start, the victim depended on this trusted person for his everyday activities, getting around and managing his affairs. He also gave the woman a financial power of attorney. Shortly after this, several withdrawals totalling almost \$60,000 were made from the victim's accounts. In addition, he stated that the woman with whom he lived controlled his whole life without consulting him and he had to stay in his room unless she allowed him to leave.

The Commission

After conducting an investigation, the Commission initially determined that the man was vulnerable and dependent, and that he was also abused for financial profit because of his disability and vulnerability. The Commission decided therefore to take his case before the Tribunal.

The Tribunal

The Human Rights Tribunal found that the man was a victim of deliberate exploitation by the person who was taking care of him. It ordered her to pay the victim \$55,598 in damages.

The rights of elderly and disabled people are not limited to protection from exploitation

The Charter of Human Rights and Freedoms provides other protections, including prohibiting discrimination or harassment based on:

- Race
- Colour
- Sex
- Gender identity or expression
- Pregnancy
- Sexual orientation
- Civil status
- Age, except as provided by law
- Religion
- Political convictions
- Ethnic or national origin
- Social condition
- Language
- Disability or means to palliate a disability





Exploitation and Mistreatment

Take note: there is a difference between mistreatment and exploitation. Elderly and disabled people are protected against both.

What is the difference between exploitation and mistreatment?


Mistreatment is broader but includes exploitation.

According to the law, mistreatment means an act, or a lack of appropriate action, that occurs in a relationship where there is an expectation of trust, and that causes harm or distress to a person. This act or lack of action may be isolated or repeated, intentional or not.

The Commission gets involved in cases of exploitation. Other resources might be able to help you in cases involving mistreatment.

- **Elder Mistreatment Helpline** is a listening and referral phone line specializing in the mistreatment of older adults.

aideabusaines.ca/en/

 1-888-489-2287

- **Info-Social 811** is a confidential telephone consultation service that promptly puts you in contact with a psychosocial intervention worker

 811

- In case of emergencies  911

The Commission des droits de la personne et des droits de la jeunesse

The Commission des droits de la personne et des droits de la jeunesse (human rights and youth rights commission) is an independent body whose mission is to promote and uphold the principles set out in the Québec Charter of Human Rights and Freedoms.

The Commission's mission also includes ensuring that the interests of children are protected and that their rights as recognized by the Youth Protection Act and the Youth Criminal Justice Act are respected.

In addition, the Commission is responsible for applying the Act respecting equal access to employment in public bodies. All its services are free of charge.

Do you have questions or wish to file a complaint? Contact us.

information@cdpdj.qc.ca
plainte@cdpdj.qc.ca
or visit cdpdj.qc.ca/en/

Toll free: **1 800 361-6477**
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