

PROTECTING VULNERABLE CLIENTS

A practical guide for the financial services industry



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Ordre des comptables professionnels agréés du Québec

Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec

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INTRODUCTION

Firms and representatives in the financial services industry occasionally encounter situations where a client's vulnerability causes the client to make decisions that are contrary to their financial interests, needs or objectives or that leave them exposed to potential financial mistreatment.

Several factors can make clients vulnerable, including an injury, illness, mental health issue, cognitive impairment or disability. Vulnerability may also be caused by financial illiteracy, social isolation and difficulty managing, or an inability to manage, one's affairs or cope with specific life events (bereavement, financial problems, a sick family member, etc.). The vulnerability may be temporary or permanent.

Clients in a vulnerable situation, often simply referred to as "vulnerable clients," sometimes cannot properly assess the consequences of some decisions or situations, they may need someone to make them aware of and assist them in protecting themselves from those consequences.

Because of the relationships they develop with their clients and the knowledge they acquire about clients' financial needs or objectives over time, firms and representatives in the financial sector can play a key role in helping people who are in a vulnerable situation protect their financial well-being. They are instrumental in preventing and detecting financial mistreatment among consumers of financial services. Firms and representatives can also help clients experiencing financial mistreatment get the assistance they need.

This guide proposes possible courses of action to protect vulnerable clients. Its purpose is to provide financial sector participants with guidance on the steps they can take to help protect clients' financial well-being, prevent and detect financial mistreatment, and assist clients who are experiencing this type of situation.



The practices and tools suggested in this information guide do not constitute new legal obligations or legal opinions or advice. Firms and representatives are responsible for ensuring that their actions comply with the obligations applicable to them in pursuing their activities.

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PROTECTING CLIENTS' FINANCIAL WELL-BEING

Not all clients are aware of how important it is to provide for the possibility that they may one day become incapable of managing their own finances, vulnerable because of changing circumstances, or a target of financial mistreatment. Firms and representatives can make clients aware of this risk and inform them about the various steps they can take to get help with managing their finances and protect their financial well-being, such as the assistance measure, a power of attorney, a protection mandate and a named trusted contact person.

Making clients aware of the importance of protecting their financial well-being

- ✓ Have a conversation with clients about the possibility that they may one day
 - no longer be able to manage their finances on their own owing to temporary or permanent incapacity;
 - need another person's help in managing some aspects of their finances;
 - find themselves in a vulnerable situation or become a victim of financial mistreatment.
- ✓ Tell clients that there are things they can do to protect their financial well-being and prevent financial mistreatment.
- ✓ Refer clients to publications or websites of agencies that can provide them with information on things they can do. The information sources listed in this section are good examples of such publications and websites.



Source of information

[Table](#) – Steps that can be taken to help protect a client's well-being

ASSISTANCE MEASURE

The assistance measure allows a client to, among other things, get an assistant's help in managing their finances. For a person to assume this role, they must be recognized by the Curateur public and entered in the Public register of assistants. This recognition enables the assistant to interact with other parties, such as firms and representatives, to make the client's wishes and preferences known and assist them in making decisions. The assistant may also access client account information where they need such information to assist the client.

The assistant is presumed to act with the consent of the client and may therefore intervene with a firm or representative without any further formality. For example, the assistant may, at the request of the assisted client, contact a firm or representative to:

- Provide information—for example, to update the client's contact details or when making an appointment for the client
- Obtain information about how to make changes to the client's account
- Check the status of a transaction request and ensure that all the required documents have been forwarded
- Ask questions about the information on a statement to help the client understand the transactions made in their account
- Inquire about the impact of a transaction the client wants to make in order to assist the client in making a decision

Talking to a client about the possibility of being assisted in managing their finances

- ✓ Suggest that the client consider the assistance measure if they are having difficulty managing their finances or making certain financial decisions
- ✓ Explain to the client that an assistant can't make decisions, carry out transactions or sign documents on the client's behalf
- ✓ Invite the client to contact the Curateur public for information about what the assistant can or cannot do to assist them in managing their finances.



Sources of information

Curateur public

[Assistance Measure](#)

[Public register of assistants \(in French\)](#)

[Éducaloi](#)

Preventing assistance measure abuse

The Curateur public performs several checks before recognizing an assistant, and a number of mechanisms are in place to prevent and avoid abuse. A person may nonetheless attempt to abuse the role or harm the assisted client's financial well-being. Firms and representatives can take various steps to help clients protect themselves against this risk.

Preventing abuse by the assistant

- ✓ During every interaction with an assisted client, check that the client's assistant is entered in the Public register of assistants and that the recognition is still valid.
- ✓ Ask the assisted client how they would like to be helped in managing their finances. Knowing a client's wishes and preferences can help in detecting situations that could indicate that the assistant is not providing important information or information required for the assisted client to make informed decisions or that the assistant is making decisions in lieu of the client.
- ✓ Watch for any possible conflicts of interest an assistant may have with respect to an assisted client's investments or a life insurance policy the assistant is a beneficiary of. If there is a conflict of interest, the assistant must refrain from intervening. Record any identified conflict-of-interest risks in the client's file.
- ✓ Remind the client that having an assistant does not take away their right to manage their own affairs and that the assistance measure can be terminated at any time by notifying the Curateur public.
- ✓ Remind the client of the importance of notifying the Curateur public of any change in their situation.
- ✓ Keep a summary of the conversations with the client or the assistant in the file.

POWER OF ATTORNEY

With a power of attorney, clients can authorize another person to act on their behalf. Clients can authorize the other person to carry out specific actions, such as paying rent or insurance premiums, or to manage all their finances. A power of attorney is a multi-purpose legal tool that can be tailored to a client's specific needs. Depending on a client's needs, the designated person could, for example:

- set up automatic bill payments to protect the client from the negative consequences of late payments;
- make withdrawals from an account of a client with mobility problems;
- pay an insurance premium to prevent the loss of insurance coverage;
- invest the client's money if the client does not feel capable of or has no interest in investing it.

A power of attorney may be temporary or indefinite and may be drawn up by the client or a legal advisor.

Approaching a client about the possibility of having someone else manage their finances

- ✓ Suggest that the client consider using a power of attorney if they ever have difficulty managing their finances on their own.
- ✓ Draw the client's attention to the importance of being well-informed about their rights under a power of attorney and the abuse prevention measures that can be incorporated into it, such as limits on transactions that may be performed on their behalf or requiring authorization from a second person for some larger transactions.
- ✓ Tell the client that it is important to consult a legal advisor or suggest resources to them that can provide them with information and guidance on how to draw up a power of attorney.



Information sources

Autorité des marchés financiers

[Asking someone to manage your affairs](#)

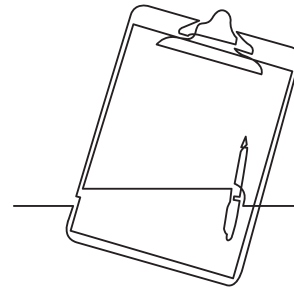
[Trust must be earned! brochure](#)

[Sample power of attorney](#)

[Éducaloi](#)

[Chambre des notaires du Québec](#)

[Barreau du Québec](#)



Preventing power of attorney abuse

Sometimes a person authorized to act on a client's behalf may abuse their powers under the power of attorney. There are a number of things firms and representatives can do to help their clients prevent this from happening.



How to prevent power of attorney abuse

- ▶ Emphasize the importance to the client of finding out about the preventive measures that can be incorporated into their power of attorney, such as limits on transactions that may be performed on their behalf or requiring authorization from a second person for some larger transactions.
- ▶ Gather information about the mandatary(ies) (contact information and any other information that may be used to confirm the identity of the mandatary(ies) when necessary).
- ▶ Ask clients to explain the purpose of the power of attorney and to provide details about their relationship(s) with the mandatary(ies). This information can be helpful in identifying cases of power of attorney abuse and be used to propose solutions best suited to clients' needs.
- ▶ Watch for any possible conflicts of interest a mandatary may have in respect, for example, of the client's investments or a life insurance policy of which the mandatary is a beneficiary. Record these observations in the client's file.
- ▶ Tell clients and their mandatary(ies) that it is important to understand the role and responsibilities of the mandatary under the power of attorney.
- ▶ Contact clients to verify the validity of a power of attorney the first time it is used or to confirm a transaction that seems unusual or contrary to their interests.
- ▶ Remind both clients with a power of attorney and those considering one that a power of attorney does not take away their right to manage their own affairs and may be revoked at any time. Make sure clients understand the importance of monitoring the way the mandatary manages their finances.
- ▶ Keep a summary of the conversations in the client's file.

PROTECTION MANDATE

With a protection mandate, clients choose a person to look after them and their property in the event of incapacity. In a protection mandate, they can, among other things, specify how they want their finances managed if they become incapacitated. A protection mandate may be drawn up by the client or a legal advisor. Clients must, however, prepare their protection mandate while they are still able. If a client becomes incapacitated and there is no protection mandate, the rules provided for by law will apply.

Discussing the protection mandate with a client

- ✓ Make the client aware that incapacity can occur at any age.
- ✓ Emphasize the importance of setting up a protection mandate while the client is still able and of updating it as needed, particularly if a major change occurs in their financial or family situation.
- ✓ Encourage the client to tell their family that a protection mandate has been set up and the names of the mandataries.
- ✓ Encourage the client to find out about the preventive measures that can be incorporated into a protection mandate, including requiring authorization from several people to carry out transactions having a significant impact on their financial well-being or the possibility of providing for an alternate mandatary.
- ✓ Suggest that the client consult a legal advisor or resources that can provide them with information and guidance on how to draft a protection mandate.



Information sources

Curateur public du Québec

[Sample protection mandate](#)

[Public register of representation measures](#)

[Éducaloi](#)

[Protection Mandates: Naming Someone to Act for You](#)

[Chambre des notaires du Québec](#)

[Barreau du Québec](#)

Preventing abuse by a mandatary

Sometimes a mandatary may not manage a client's finances in the manner specified in the protection mandate or may appropriate the client's property. There are a number of things firms and representatives can do to help clients shield themselves from this risk.



How to prevent abuse by a mandatary

- ▶ Gather the information required to identify the mandatary(ies) (contact information and any other information that may be used to confirm the identity of the mandatary(ies) when necessary).
- ▶ Check the [Public register of representation measures](#) maintained by the Curateur public du Québec to find out the date on which the protection mandate came into force, along with the name(s) and the nature of the responsibilities of the mandatary(ies). This register also indicates if a protection mandate has been revoked.
- ▶ Look for any possible conflicts of interest a mandatary may have in respect of the client's investments or a life insurance policy of which the mandatary is a beneficiary. Record these observations in the client file.
- ▶ Remind mandataries of the importance of clearly understanding their role and responsibilities under the protection mandate.

TRUSTED CONTACT PERSON¹

One thing clients could find useful in protecting their financial well-being is to name a trusted contact person who can be contacted by the firm or representative, if needed. The person can be a friend or family member who the client trusts and who can provide the client with the assistance they need to cope with certain situations, such as a health issue or life event that could affect their ability to make informed financial decisions.

Clients must specifically authorize the firm or representative they deal with to contact the trusted contact person. Depending on the arrangement with the client, the firm or representative would be able, for example, to contact the trusted contact person to discuss:

- concerns about the client's ability to manage their own finances;
- facts suggesting that the client might, if they do not get help, act in a manner that would jeopardize their assets;
- signs of financial mistreatment observed in dealings with the client;
- observations about the way the mandatory has been managing the client's finances or a perception that the mandatory is not making decisions in the client's interests;
- concerns in cases where a vulnerable client is planning to make a decision that is not in their best interests or invest in a scheme that appears to be a scam.

Depending on the circumstances, the trusted contact person could then provide the information required by the firm or representative, intervene with the client, or get the client the needed help.

The trusted contact person will not be allowed to make financial decisions or act on the client's behalf.



¹ Securities regulations require the persons subject to them to take reasonable steps to obtain from the client the name and contact information of a trusted contact person and the written consent of the client to contact this person in the circumstances set out in [Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations](#) (CQLR, c. V-1.1, r. 10, s. 13.2.01). [The Policy Statement to Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations](#) sets out how the persons involved can meet this obligation. They may draw on the practices and tools suggested in this guide to discuss this measure with the client or communicate with the trusted contact person when circumstances require it.

Obtaining a client's authorization to contact the trusted contact person

- ✓ Have a conversation with clients about the various situations in which they might need the help of a trusted contact person.
- ✓ Agree and explain to clients that:
 - the trusted contact person named by them will be contacted only when the previously identified situations arise;
 - the consent they give to the firm or representative to contact the trusted contact person may be revoked by them at any time;
 - their consent to contact the named trusted contact person does not allow the named trusted contact person to make decisions on the client's behalf.
- ✓ Suggest to clients that they choose a trusted contact person who does not have a personal interest in managing their affairs. Naming a representative, mandatory, universal legatee or joint account holder as a trusted contact person is not recommended.
- ✓ Suggest to clients that they name a second trusted contact person to be contacted in situations where the first trusted contact person refuses or is unavailable to help them or is mistreating them.
- ✓ Incorporate the named trusted contact person and their contact information into the file or account opening and information updating processes.
- ✓ Document the client's authorization to contact a trusted contact person, indicating the trusted contact person's contact information, the specific situations in which the trusted contact person may be contacted, and the information that may be disclosed to the trusted contact person.
- ✓ Encourage the client to let the person they name know that they have been named their trusted contact person and what the role involves.
- ✓ Keep a summary of the conversations in the client's file.

Firms and representatives faced with a situation where they must contact a client's trusted contact person may draw on the practices set out on [page 21](#) of this guide.



Source of information

Model authorization to contact a trusted person – [Appendix 1](#)

STEPS THAT CAN BE TAKEN TO HELP PROTECT A CLIENT'S FINANCIAL WELL-BEING

	Naming of a trusted contact person	Assistance measure	Power of attorney	Protection mandate
Objective	A firm or representative may disclose or obtain the information required to assist clients if, for example, they seem to need help in protect themselves against financial mistreatment or appear to be having difficulty making financial decisions.	A client may be helped by an assistant in, for example, managing their finances.	A client may entrust the management of part or all of their finances to another person.	A client may choose the person who will manage their finances in the event they become incapable of doing so themselves.
Title	Trusted contact person	Assistant	Mandatory	Mandatory
Role	Share information with a firm or representative in accordance with the authorization provided by the client. Intervene with the client to get them the help they need.	Assist the client, particularly with managing their finances or making certain financial decisions.	Act on the client's behalf in accordance with the powers granted under the power of attorney.	Act on behalf of a client who has become incapable, in accordance with the powers granted under the protection mandate.
Set up - when	When opening an account or at any time chosen by the client.	When the client has difficulty managing their finances on their own.	Depending on the client's needs, including when they are having difficulty managing their finances on their own.	At any time while the client is still capable of doing so.
Set up - how	Written authorization provided by the client for the trusted contact person to share information with the firm or representative.	Request for the recognition of an assistant submitted to the Curateur public.	Written or verbal authorization from the client allowing the mandatary to act on the client's behalf in managing their finances.	Drawing up of a mandate signed before a notary or two witnesses.
Coming into force	When the authorization is provided.	When the assistant's name is entered in the Public register of assistants.	When the authorization is provided or at any other time specified by the power of attorney.	When the mandate has been homologated by the court.
Termination	When the authorization is revoked by the client or at any other time specified in the authorization.	Upon expiry of a 3-year period; at the client's request; on the initiative of the Curateur public; upon institution of a tutorship to a person of full age or the homologation of a protection mandate for a client who is being assisted; on the initiative of the assistant; when the assistant ceases to act; or upon the appointment of a temporary representative for the assistant.	Upon revocation by the client; when the client is declared incapable or dies; or at any other time specified by the power of attorney.	When the client's incapacity ends or when the client dies; when the mandatary dies (if no alternate mandatary has been named or has accepted the responsibility); or on the revocation date imposed by the court.

2 PREVENTING FINANCIAL MISTREATMENT

The more firms and representatives focus on prevention, the less likely they will have to intervene in a potential case of financial mistreatment. There are a number of things they can do to help protect clients who are in a vulnerable situation.

- ✓ Behave in a manner that shows respect for the client and their needs, requests and choices, including when they refuse, is respectful of the client's values and independence in making decisions, and prevents bias, stereotyping and discrimination in their regard.
- ✓ Make clients aware of financial mistreatment, the significant consequences it can have for their financial well-being, and the importance of taking steps to prevent it.
- ✓ Be alert to signs of vulnerability in order to identify clients who might benefit from additional financial mistreatment prevention measures such as closer account monitoring.
- ✓ Adapt communications to the needs of vulnerable clients in order to ensure they understand any explanations provided and maintain their trust.



How to communicate with clients who are in a vulnerable situation

- ▶ Go at the client's pace by, for example, scheduling longer or more frequent meetings.
- ▶ Tell vulnerable clients they can be accompanied by a person they trust.
- ▶ Provide them with explanations or recommendations in plain language.
- ▶ Validate the client's understanding as explanations are given to them (e.g., by getting them to restate the explanations in their own words or to provide examples illustrating what was explained to them).
- ▶ Provide clients with a summary of the meeting in a format that is easy for them to understand.



3 COMBATING FINANCIAL MISTREATMENT

Firms and representatives can make a significant contribution to the fight against financial mistreatment by spotting signs of financial mistreatment and assisting clients in getting the help they need.

DETECTING SIGNS OF MISTREATMENT

Being attentive to each client's situation can have a major impact in preventing financial mistreatment. Signs of financial mistreatment may reveal themselves gradually or be hard to detect. In some cases, clients are aware of the mistreatment but don't want to talk about it.



How to detect signs of financial mistreatment

- ▶ Recognize signs of financial mistreatment such as those indicated in [Appendix 2](#).
- ▶ Look for signs of financial mistreatment among vulnerable clients in order to detect them as soon as possible.
- ▶ Note down any signs of mistreatment in the client's file as soon as they are detected. For example:
 - changes in the client's behaviour (a thrifty client suddenly becomes a big spender or reticent about discussing certain financial matters);
 - signs that the client may be suffering from a cognitive impairment;
 - a relative's sudden interference in the management of the client's affairs;
 - a relative's seeming influence over the client's financial decisions.
- ▶ Keep a summary of the conversations in the client's file.



Information sources

Detecting financial mistreatment - [Appendix 2](#)

Actions to combat financial mistreatment - [Appendix 3](#)

Guide de référence pour contrer la maltraitance envers les personnes âgées -
Section-by-section summary of topics relevant to the financial services industry -
[Appendix 4](#)

Resources - [Appendix 5](#)

VALIDATING SIGNS OF MISTREATMENT WITH CLIENTS

The best way to validate signs of mistreatment is to discuss them openly with the client involved, without pestering the client or demanding that they confide in you. The client will be able to confirm if there is mistreatment or explain the situation to you.



How to interact with clients

- ▶ Through dialogue and listening, create a climate of trust that encourages clients to be open to discussing the signs of mistreatment you have observed.
- ▶ Express your concerns about the situation and listen to the client.
- ▶ Ask open-ended questions and avoid snap judgements.
- ▶ Be patient and go at the client's pace. The client may not want to discuss the issue the first time it is brought up but may agree to do so at some other time.
- ▶ Tell the client that various resources, including those indicated in [Appendix 5](#), are available to help them assess the situation or provide them with needed support.
- ▶ Keep a summary of the conversations in the client's file.



Information sources

Detecting financial mistreatment - [Appendix 2](#)

Actions to combat financial mistreatment - [Appendix 3](#)

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RESPECTING CLIENTS' DECISIONS

Clients may not want to discuss or put a stop to the situation. That does not necessarily mean they do not want help or will not change their mind after you talk to them.

Remain open to reticent clients

- ✓ Note down the client's reasons for not discussing or reporting the situation in the client's file.
- ✓ Remain available to answer the client's questions or to discuss the situation again with the client.
- ✓ Tell the client there are various resources available that can provide assistance while complying with the client's wish not to have the situation disclosed.
- ✓ Look for changes affecting the client. The client's financial situation may deteriorate.
- ✓ Discuss the situation again with the client if it continues or deteriorates further.
- ✓ Keep a summary of the conversations in the client's file.



Firms and representatives cannot consider reporting a situation without the client's consent unless doing so is warranted by the seriousness of the situation, which may be assessed using the flowchart in [Appendix 3](#).



PROVIDING CLIENTS WITH SUPPORT

The signs validated by a client will guide the actions of firms and representatives, who will be able to determine how they can support the client while taking into account:

- their own ability to help the client or how involved they are prepared to become;
- the client's willingness or unwillingness to put a stop to the situation;
- how serious the consequences of the situation are for the client.

HOW TO HELP CLIENTS

1 Ask them if someone they trust can help them.	<ul style="list-style-type: none">• Offer to meet them with the trusted person present.• Offer to explain the situation to the trusted person.
2 Tell them that there are various resources that can help them.	<ul style="list-style-type: none">• Provide them with information on the roles of the various resources in situations of mistreatment.
3 Direct them to the resource offering the needed services.	<ul style="list-style-type: none">• Provide them with the name and contact information of a resource that can help them.
4 Assist them in getting help.	<ul style="list-style-type: none">• Offer to make the initial phone call to a resource with them.• Offer to contact the resource in order to get help for them.

Professionals specialized in the area of financial mistreatment of persons in situations of vulnerability can advise firms and representatives who encounter cases of mistreatment. Firms can also choose to designate an internal resource person to field questions from employees and representatives.



Information sources

Detecting financial mistreatment - [Appendix 2](#)

Actions to combat financial mistreatment - [Appendix 3](#)

Guide de référence pour contrer la maltraitance envers les personnes âgées - Section-by-section summary of topics relevant to the financial services industry - [Appendix 4](#)

Resources - [Appendix 5](#)

CONTACTING THE TRUSTED CONTACT PERSON

Unless circumstances do not allow it, firms and representatives should always let a client know when they intend to contact the trusted contact person.

A client may prefer to ask for help from someone other than the trusted contact person or to personally contact an agency or service capable of providing the needed help. The client may also decide to do nothing at all.

Contacting the trusted contact person

- ✓ Before contacting the trusted contact person, determine what can be discussed with the trusted contact person within the bounds of the client's authorization.
- ✓ Start the conversation with the trusted contact person by explaining the role the client has entrusted to the person and confirm that the person accepts the role.
- ✓ Disclose to or obtain from the trusted contact person only such information as is necessary to get the client the needed help.
- ✓ Consider doing follow-up if the situation requires it.
- ✓ Keep a summary of the conversations with the trusted contact person in the client's file and note down the information that was disclosed to or obtained from the trusted contact person.

DISCLOSING A CASE OF MISTREATMENT WITHOUT THE CLIENT'S CONSENT

Ideally, any steps to support a client should be undertaken with the client's consent. Intervening in a case of mistreatment without a client's consent is an exceptional measure that pits a client's right to choose whether to have the situation disclosed against their need for protection.

Firms and representatives are under no obligation to disclose situations of financial mistreatment involving a client. If warranted by the circumstances, they may communicate a situation of concern to a person capable of helping the client. However, the decision to disclose a case of financial mistreatment without the client's consent must be made with care, as not all cases meet the requirements under the law for proceeding without consent.

Obtaining all necessary information before reporting a case of mistreatment without the client's consent

- ✓ Seek the advice of an internal qualified resource person or a legal advisor in order to determine whether a particular case of mistreatment may be disclosed without the client's consent.
- ✓ Identify a person, agency or service capable of assisting the client, as well as the information that is to be provided to the identified person, agency or service.
- ✓ Validate the information to be entered in the client's file when a situation is disclosed without the client's consent.

The requirements to be met in order to be able to disclose a case of mistreatment without the client's consent are set out in section 18.1 of the **Act respecting the protection of personal information in the private sector**, CQLR, c. P-39.1. The following chart summarizes those requirements and provides various examples to help firms and representatives better understand these requirements.





This chart does not constitute a legal opinion. Firms and representatives that are contemplating disclosing a case of mistreatment without their client's consent should seek the advice of a legal advisor before taking any action.

<p>Why? Solely to prevent an act of violence, meaning an act that has not occurred yet.</p>	<p>When? Where there is a serious risk of death or serious bodily injury threatening the client and the nature of that threat generates a sense of urgency.</p>
<p>Examples of acts of violence</p> <ul style="list-style-type: none"> • Appropriation of the client's funds • Bullying or threats • Manipulation • Physical violence • Insults • Infantilization • Depriving the person of the care required for their health or well-being 	<p>Serious bodily injury</p> <p>A serious bodily injury is any physical or psychological injury that is significantly detrimental to a client's physical integrity, health or well-being, such as:</p> <ul style="list-style-type: none"> • Significant deterioration in the client's health • Malnutrition or food insecurity • Psychological distress • Risk of suicide <p>Threat generating a sense of urgency</p> <p>There is reasonable cause to believe that the risk is sufficiently serious and requires immediate action be taken to protect the client.</p>
<p>To whom? The person, agency or service capable of providing the needed help.</p>	<p>What? Disclose only the information needed to assist the client.</p>
<p>Examples</p> <ul style="list-style-type: none"> • Info-Social 811 • Emergency services • A member of the client's family 	<p>Examples</p> <ul style="list-style-type: none"> • The name and contact information required to identify the client • The signs of mistreatment observed and the consequences for the client • Any other information required in order to assist the client

Any disclosure made without the client's consent must be documented in the client's file. In addition to the personal information that was disclosed, it may be relevant for firms and representatives to note down the rationale for their decision to disclose a situation without the client's consent.

Keep a record of the disclosure in the client's file

- ✓ Note down any serious physical or psychological injuries threatening the client's integrity, health or well-being on the basis of facts observed in respect of the client or facts reported by the client.
- ✓ Describe the act of violence threatening the client and provide the grounds for the belief that the threat may be imminent.
- ✓ Indicate the name of the person, agency or service to which the information was disclosed and the date of disclosure.
- ✓ Note down any information that was disclosed without the client's consent.

4 PROMOTING GOOD PRACTICES FOCUSED ON PROTECTING THE CLIENT'S FINANCIAL WELL-BEING

Firms can help protect vulnerable clients by adopting various practices that encourage and support their employees and representatives in their actions with clients.

1 Integrating the concept of well-treatment into corporate culture

Well-treatment is an approach that values respect for all people, including their needs, requests and decisions, even when the decision is no. It is expressed in attention and attitudes, soft skills and collaborative knowhow that are respectful of people's values, cultures, beliefs, life journeys, rights and freedoms. It is an approach applied by individuals, organizations or communities that, by their actions, make people's well-being the focus of their concerns. It is built on interactions and an ongoing quest to adapt to others and their environment.²

- Encourage the adoption of good behaviours toward vulnerable clients.
- Protect vulnerable clients from stereotyping and discrimination.
- Encourage employees and representatives to combat financial mistreatment.
- Determine which financial products and services offered are poorly suited or unsuited to vulnerable clients.
- Adapt communications to the needs of vulnerable clients by, for example, using plain language or emphasizing key messages to facilitate understanding.

2 Disseminating information on financial mistreatment and how to protect clients' financial well-being

- Disseminate information about financial mistreatment and ways to protect clients' financial well-being through a website or social media, a brochure or information bulletin, or another mode of communication.
- Disseminate information about the agencies and other resources that are available to help clients who are the target of financial mistreatment.

3 Designating an internal resource person

- Designate a resource person to field employees' and representatives' questions about vulnerable persons and financial mistreatment. The resource person could also train and advise employees and representatives or assess whether a case of financial mistreatment is serious enough to require action without the client's consent.

2 GOVERNMENT OF QUÉBEC, Governmental Action Plan to Counter Mistreatment of Older Adults 2022-2027, Québec, Ministère de la Famille – Secrétariat aux aînés, 2022, p. 26..

4 Supporting employees and representatives in their actions to combat financial mistreatment

- Inform employees and representatives about the role they can play to better protect clients' financial well-being and combat financial mistreatment.
 - Inform employees and representatives about situations where clients may need someone's help to make decisions or manage their finances.
 - Train employees and representatives on the various aspects of the fight against financial mistreatment, such as:
 - knowing appropriate ways to protect clients' financial well-being;
 - being able to recognize clients who are in a vulnerable situation;
 - communicating with clients who are in a vulnerable situation;
 - noting down any relevant information in the client's file;
 - identifying resource(s) that can help a client who is in a vulnerable situation or experiencing financial mistreatment.
 - Develop tools to help employees and representatives to detect and validate signs that a client may be experiencing financial mistreatment and to assess how serious the mistreatment is.
 - Draft a model "authorization to contact a trusted contact person" that employees and representatives could propose to clients.
- Establish a procedure informing employees and representatives of the actions they can take to:
 - inform clients about the things they can do to lower the risk of their financial well-being being affected by potential vulnerability or to protect themselves against financial mistreatment;
 - Broach the subject of naming a trusted contact person with the client and obtain their authorization to communicate with the person they name
 - detect and validate signs that a client may be experiencing mistreatment;
 - provide support to clients experiencing mistreatment;
 - report the situation to an immediate supervisor, compliance officer or resource person;
 - disclose a situation without a client's consent.

5 Looking for changes to a vulnerable client's account

Detect changes to the accounts of vulnerable clients or clients with a mandatory. Some types of changes may be evidence of financial mistreatment, including:

- changes to the client's address
- changes to the client's bank account
- transfers from an account of the client to another person's account
- the addition of a joint holder on the client's account

MODEL AUTHORIZATION TO CONTACT A TRUSTED CONTACT PERSON

Should (***Name of firm or representative***):

- become concerned about my ability to make financial decisions in my own interests;
- become concerned about my ability to understand the significant consequences of a financial decision that I am preparing to make;
- suspect that I am experiencing financial mistreatment;

I authorize the aforementioned firm or representative to contact the person named below in order to obtain the information needed to validate the concerns about me or to disclose to the trusted contact person such information as the trusted contact person may require in order to obtain the help I need.

Name of trusted contact person: _____

Address: _____

E-mail: _____

Telephone: _____

In the event the trusted contact person named above refuses or is unavailable to provide assistance or is financially mistreating me, the aforementioned firm or representative may contact the following person:

Name of trusted contact person: _____

Address: _____

E-mail: _____

Telephone: _____

Date : _____

Client's signature: _____

This model authorization to contact a trusted contact person is provided for information purposes only.

Firms and representatives may refer to it in preparing their own "authorization to contact a trusted contact person." They must take into account their confidentiality obligations toward their client and ensure that any contact with a person other than the client is made in compliance with those obligations. Registered securities firms and representatives must also take into account the requirements set out in Regulation 31-103 that relate to the naming of a trusted contact person.

FINANCIAL MISTREATMENT

Vulnerability may lead clients to rely unquestioningly on the advice of a person they trust or to be influenced by someone they know when making financial decisions. It also makes clients more susceptible to financial mistreatment.

Signs of client vulnerability

- A client relies on someone else to take care of them.
- A client relies on a friend or relative to make decisions or manage their affairs.
- A client is financially illiterate or has a poor knowledge of their rights.
- A client relies financially on a friend or relative or is experiencing financial difficulties.
- A client has difficulty communicating their needs or understanding explanations owing to a physical or mental health issue, cognitive impairment or disability.
- An elderly or disabled client lives alone or has little contact with family members.
- A client lives with a friend or relative in return for a financial contribution.

Also see: GOVERNMENT OF QUÉBEC, Guide de référence pour contrer la maltraitance envers les personnes âgées, ministère de la Santé et des Services sociaux, 2nd ed., Québec, p. 17.

There is financial mistreatment when a person:

- appropriates a client's money without the client's consent;
- abuses their powers under a power of attorney or protection mandate;
- pressures a client to invest in a product that is unsuited to the client's needs or financial goals;
- offers a client the opportunity to invest in fraudulent investment schemes;
- overcharges for a service or a product;
- limits a client's spending in order to benefit from a larger inheritance or claims their inheritance before the client's death;
- refuses to pay back money borrowed from the client.

Who is likely to commit financial mistreatment?

Financial mistreatment is most likely to be committed by someone close to the vulnerable person, such as a family member—a child, spouse, brother or niece, for example—or a friend or neighbour. The perpetrator may also be an acquaintance or a person passing for a friend, relative or service provider.

Signs that a vulnerable client may be experiencing financial mistreatment

- A client makes unusual transactions or suddenly withdraws a large amount of money.
- A client makes changes to investments that do not match their investor profile.
- A client changes the beneficiary of their life insurance policy several times.
- A client repeatedly adds or revokes a power of attorney in favour of one of their children.
- A client seems anxious and agitated when asked about the way a family member is managing their affairs.
- A client does not seem to fully understand a form that they have signed or are being asked to sign by a family member.
- A client says they want to give an inheritance to a family member early or make a large donation to a friend or relative.
- The signature on a form received from a client does not look like the client's signature.
- A client constantly turns to look at a family member before answering the employee's or representative's questions.
- A client does not react when a family member interferes in the management of their affairs.
- A mandatary asks that correspondence and statements no longer be sent to the client.
- A client or a client's mandatary asks to have an account transferred to another financial institution after questions are asked about transactions made in the account.

APPENDIX 3

ACTIONS TO COMBAT FINANCIAL MISTREATMENT

DETECT

Look for signs of financial mistreatment and exercise increased vigilance when vulnerability factors are observed.

VALIDATE

Validate the observed signs with the client.

SUPPORT

Determine how serious the situation is and suggest solutions to the client.

HIGH

The client may suffer serious financial consequences that could adversely affect the client's physical or psychological health.

Immediate action

Share your concerns with the client and seek the client's consent in order to get them the help they need.

MEDIUM

The client may suffer significant financial consequences that could adversely affect the clients' physical or psychological health.

Action prochaine

Tell the client that it is important to get help or seek the client's consent in order to get them the help they need.

LOW

The client may suffer minor financial consequences that could adversely affect the client's physical or psychological health.

Action éventuelle

Tell the client about the resources available to help them or seek the client's consent in order to get them the help they need.

What to do when a client refuses to seek help

Emphasize to the client that it is important to put a stop to the situation.

Disclose a situation without the client's consent only when permitted by law.

Respect the client's wishes even if you disagree with the decision.

Maintain the relationship of trust with the client.

Remain attentive to changes in the client's situation.

Discuss the situation again with the client if it continues or deteriorates further.

Respect the client's wishes even if you disagree with the decision.

Maintain the relationship of trust with the client.

Remain attentive to changes in the client's situation.

Discuss the situation again with the client if it continues or deteriorates further.

APPENDIX 4

GUIDE DE RÉFÉRENCE POUR CONTRER LA MALTRAITANCE ENVERS LES PERSONNES ÂÎNÉES – SECTION-BY-SECTION SUMMARY OF TOPICS RELEVANT TO THE FINANCIAL SERVICES INDUSTRY

The Government of Québec has prepared reading lists by sector of activity for the [Guide de référence pour contrer la maltraitance envers les personnes âgées](#). The sections that may be of interest to the financial services industry are summarized below.

<i>Section</i>	<i>Description</i>
1.0 Reconnaître la maltraitance	This section can be quickly referred to for: <ul style="list-style-type: none"> • the definition, forms and types of financial mistreatment; • risk and vulnerability factors; • the consequences of financial mistreatment and factors that may deter clients from reporting financial mistreatment or making a complaint.
2.0 Prévenir 2.1 Balises concernant la prévention 2.2 Sensibiliser à la problématique et aux bonnes pratiques pour se protéger 2.3 Élaborer des outils de prévention 2.4 Réaliser des activités de prévention 2.5 Valoriser le vieillir et vivre ensemble (combattre l'âgisme) 2.6 Favoriser la bientraitance 2.7 à 2.20 Meilleures pratiques pour se protéger de la maltraitance	This section proposes various ways to prevent financial mistreatment, including raising awareness of the issue, with the help of tools and targeted activities. This section presents a wide range of initiatives by various agencies and the information to be provided to clients about ways they can protect themselves against financial mistreatment and fraud.
3.0 Repérer 3.2 Repérer les indices 3.3 Valider les indices 3.4 Indices observables chez la personne âgée	This section provides information on how to detect signs of financial mistreatment and validate them with the client.

<i>Section</i>	<i>Description</i>
<p>4.0 Intervenir</p> <p>4.8 Accueillir la personne aînée et créer un lien de confiance</p> <p>4.9 Effectuer une première exploration ou évaluation de la situation</p> <p>4.11 Favoriser la reconnaissance de la situation de maltraitance par la personne aînée</p> <p>4.18 Effectuer une référence</p> <p>4.19 Accompagner vers les services</p> <p>4.21 Sécuriser les avoirs</p> <p>4.23 Soutenir dans les démarches juridiques</p>	<p>This section describes the different aspects that may be considered by firms and representatives in their approach to assisting clients who are experiencing financial mistreatment.</p>
<p>5.0 Coordonner les rôles des organisations</p>	<p>This section provides a general description of health and social services institutions and agencies and community, private and multisectoral organizations and describes the role they can play in situations of financial mistreatment.</p>
<p>6.0 Coordonner les rôles des intervenants</p> <p>6.5 Finance</p>	<p>Among other things, this section proposes actions firms and representatives can take to combat financial mistreatment.</p>
<p>7.0 Connaître les mesures légales et juridiques</p> <p>7.2 Charte des droits et libertés de la personne</p> <p>7.8 Code criminel – articles en lien avec la maltraitance financière et matérielle</p> <p>7.11 Code civil – article en lien avec la maltraitance financière</p> <p>7.15 Notion de confidentialité</p> <p>7.16 Loi modifiant diverses dispositions législatives eu égard à la divulgation de renseignements confidentiels en vue d'assurer la protection des personnes</p> <p>7.38 à</p> <p>7.42 Lois sur l'Autorité des marchés financiers, sur la distribution de produits et services financiers et sur l'assurance-dépôts</p>	<p>This section presents the range of laws and protective measures that are available to protect the elderly from financial mistreatment.</p>

Guide de référence pour contrer la maltraitance envers les personnes aînées, 2nd ed., Québec, Direction des communications, ministère de la Santé et des Services sociaux, 2016, available on-line at: <http://numerique.banq.qc.ca/patrimoine/details/52327/2689058>.

APPENDIX 5

RESOURCES

INFO-SOCIAL 811

Info-Social 811 professionals can provide clients with information and advice or intervene in a crisis. They can also refer clients to health, social services or community resources. Info-Social 811 professionals can also assist firms and representatives with any concerns involving a vulnerable client.

Telephone: 811, option 2

ELDER MISTREATMENT HELPLINE (LAAA)

The LAAA is a listening and referral phone line specializing in elder mistreatment. This service provides access to specialists in the field of elder mistreatment who, among other things:

- listen to and support clients;
- provide clients with information;
- assess a client's situation over the phone;
- direct or refer clients to the appropriate organization or resources when the situation requires it.

The LAAA also offers a consultation service that professionals, including firms and representatives, can access, by phone or on-line appointment, in order to:

- obtain information about mistreatment;
- understand a situation;
- determine what needs to be assessed;
- possible courses of action.

1-888-489-2287

www.aideabusaines.ca

www.facebook.com/ligneaideabusaines

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 receives and handles reports and complaints relating to the exploitation of elderly or disabled persons. The financial exploitation of an elderly or disabled person can also be a form of abuse. The Commission may take all appropriate measures to stop the exploitation and ensure the safety of an elderly or disabled person and obtain redress for the harm suffered.

Any client who believes they are a victim of exploitation, or any firm or representative that has reason to believe that an elderly or disabled client is a victim of exploitation, may contact the Commission for information. Depending on the circumstances, they will be able to file a report or complaint.

1-800-361-6477

www.cdpcdj.gc.ca

CURATEUR PUBLIC DU QUÉBEC

The Curateur public ensures the protection of incapable persons or persons living with a difficulty and publicize the measures for protecting them. It also intervenes when it receives a report of abuse, mistreatment or negligence involving assisted or represented persons and conducts an investigation when warranted.

The Curateur public maintains a [public register of representation measures and a public register of assistants](#). Firms and representatives can consult the registers to verify whether a protection mandate has been homologated for a client, find out the name of a client's legal representative or check whether a client has a recognized assistant.

1-800-363 9020

www.quebec.ca

AUTORITÉ DES MARCHÉS FINANCIERS

The AMF provides information about a range of topics in such areas as investing, insurance, personal financial management and financial mistreatment prevention.

The AMF can intervene in situations where financial mistreatment is committed by a person subject to its supervision. It can assist clients by providing them with information and guiding them through the processes for filing a complaint or claim for compensation.

The AMF receives reports and complaints regarding, among other things, mistreatment committed by persons subject to its supervision and conducts an investigation when the situation warrants it.

1-877-525-0337

www.lautorite.qc.ca

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