

PROTECTION AGAINST EXPLOITATION FOR ELDERLY AND DISABLED PEOPLE

Guide Sheet

"Every aged person and every handicapped person has a right to protection against any form of exploitation.

Such a person also has a right to the protection and security that must be provided to him by his family or the persons acting in their stead."

Charter of Human Rights and Freedoms (section 48)

What is exploitation?

The Charter of Human Rights and Freedoms – a fundamental law – provides protection against exploitation to elderly or disabled people, if they are psychologically, socially or culturally vulnerable, or if they are dependant on others for their basic needs.

Under the Charter, exploitation of elderly or disabled people means taking advantage of their vulnerability or dependency by infringing on their rights, for example, to extort money, abuse them or deprive them of the care they require for their health, security or well-being.

What should be done in cases of exploitation?

Elderly or disabled people who believe they are victims of exploitation may ask for the Commission' help and file a complaint. This also applies to groups of people who find themselves in the same situation.

It may be that some victims of exploitation, whether individuals or groups, are unable to proceed on their own because they are dependent on others, insecure or afraid of reprisals. In such cases,

- ❑ **an organisation** dedicated to the defence of rights and freedoms or the well-being of a specific group may complain to the Commission. The Commission may launch an investigation into the situation, even without the consent of the victim, if consent is impossible to obtain ;
- ❑ **any person who witnesses a situation** of exploitation (family member, friend, neighbour, volunteer worker or other) may report it to the Commission;
- ❑ the **Commission** may also investigate **on its own initiative**, where it has been informed that exploitation may be occurring.

How to contact the Commission?

To obtain information or to file a complaint :

Chicoutimi	(418) 698-3636	Saint-Jérôme	(450) 569-3219
Hull	(819) 772-3681	Sept-Îles	(418) 962-4405
Longueuil	(450) 448-3739	Sherbrooke	(819) 820-3855
Montréal	(514) 873-7618	Trois-Rivières	(819) 371-6197
Québec	(418) 643-1872	Val d'Or	(819) 354-4400
Rimouski	(418) 727-3655		

For other services offered by the Commission : documentation, information and education programs, co-operation, research... call (514) 873-5146 or 1 800 361 6477.

(Logo de l'Année internationale des personnes âgées)

The investigation procedure

The Commission seeks evidence and, when appropriate, proposes negotiation of a settlement or arbitration to the parties in question (section 78). **Please note:** the parties may settle their dispute at any stage of the investigation.

Where a settlement proves to be impossible and if arbitration is refused, the Commission may propose any measure of redress it considers appropriate (section 79).

If these measures are not implemented within the allotted time, the Commission may apply to a tribunal, including the Human Rights Tribunal, to obtain, where consistent with the public interest, any appropriate measures against the person at fault or to demand, in favour of the victim, any measure or redress (section 80). In such cases, the Commission acts on behalf of the victim. Its services are free.

❑ *Emergency measures*

Where the Commission has reason to believe that the life, health or security of a victim of exploitation or discrimination is threatened, or that evidence may be lost, it can apply to a tribunal for emergency measures (section 81).

❑ *Protection against reprisals*

If, as a victim, complainant, witness or in any other capacity, a person suffers reprisals following an investigation by the Commission, the Commission may apply to a court for appropriate measures against the person responsible (section 82).

What is the mandate of the Commission?

Under the Charter, the Commission des droits de la personne et des droits de la jeunesse is required to **use every appropriate measure to promote and uphold the principles** set out in this law (section 71). To do this, the Commission must, among other things:

- ❖ **receive complaints**, offering any assistance that may be required to formulate them, and **carry out investigations**;
- ❖ **inform** and **educate** the population about human rights and freedoms;
- ❖ **analyse the laws**, bills and regulations of Québec and, where they are contrary to the Charter, **make recommendations** to the government;
- ❖ **conduct** and encourage **research and publications** on issues of human rights and freedoms;
- ❖ **receive suggestions, recommendations and requests** on matters related to human rights and freedoms, hold public hearings, if necessary, and make its own recommendations to the government, where applicable;
- ❖ **co-operate** with organisations dedicated to the promotion of human rights and freedoms, in Québec or elsewhere.



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