EXPLANATORY DOCUMENT: Terminology on mistreatment of older adults

April 10th, 2023

Document produced by the Comité québécois de terminologie sur la maltraitance envers les personnes aînées under the direction of the *Research Chair on Mistreatment of Older Adults*.

This document comes from the collaborative work of the *Comité québécois de terminologie sur la maltraitance envers les personnes aînées*'s members. It should be noted that some people who contributed to its production are no longer active members of this committee. Nonetheless their contribution is still recognized in the following list.

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LIST OF ACRONYMS

CHSLD: Centre d'hébergement et de soins de longue durée
[Residential and long-term care centre]
CISSS: Centre intégré de santé et de services sociaux
[Integrated health and social services centre]
CIUSSS: Centre intégré universitaire de santé et de services sociaux
[Integrated university health and social services centre]
EMPAQ: Enquête sur la maltraitance envers les personnes aînées au Québec
[Survey on mistreatment of older adults in Quebec]
GMF: Groupe de médecine familiale
[Family medecine group]
ARHSS: Act respecting health services and social services
WHO: World Health Organization
UN: United Nations
CQLRQ Chapter L-6.3: Act to combat maltreatment of seniors and other persons of full age in vulnerable
situations
IR: Intermediate resources
PSR: Private Seniors' Residence
FTR: Family-type resources

HISTORY OF THE COMMITTEE

The Committee on terminology was created in 2015 by the Domain of Expertise to Counter Mistreatment of Older Adults of the Centre for Research and Expertise in Social Gerontology (CREGÉS) of the CIUSSS West-Central Montreal (then called "Pratique de pointe pour contrer la maltraitance") and by the Elder Mistreatment Helpline (LAAA) who contacted the Research Chair on Mistreatment of Older Adults. They all acknowledged that: even though the Governmental Action Plan to Counter Mistreatment of Older Adults included a definition for mistreatment, it was not well known by the field actors, some researchers and older adults.

Furthermore, this definition did not have any clear explanatory elements accompanying the different types and forms of mistreatment or the multiples signs that allow to start the process of detection and have the proper clinical validation. A working committee was created and regional coordinators joined afterwards, under the leadership of the CIUSSS West-Central Montreal's team.

A terminology document was published in 2017 and this terminology was then included in the 2nd Governmental Action Plan to Counter Mistreatment of Older Adults of June 2017. Quebec differs from other places by its approach that allies the practice and research which are then both recognized by the public policies.

Because terminology evolves with its use, the different situations met on the field, and research advancement, the Committee resumed their work as early as 2018, this time led by the Research Chair on Mistreatment of Older Adults. New members were gradually added as the years went by, such as representative from the Secrétariat aux aînés, of the ministère de la Santé et des Services sociaux and from the Commission des droits de la personne et des droits de la jeunesse. As well as updating the terminology the following explanatory document was produced.

GOAL OF THE EXPLANATORY DOCUMENT

This explanatory document accompanies the terminology on mistreatment of older adults that was published in June 2022 in the Governmental Action Plan to Counter Mistreatment of Older Adults 2022-2027. Its goal is to clarify each section and the changes made since its last 2017 update.

THE DEFINITION OF THE MISTREATMENT OF OLDER ADULTS

The following table illustrates the conceptual evolution between the definition of mistreatment from the *Governmental Action Plan to Counter Mistreatment of Older Adults* from 2017 and 2022. The changes are underlined and in italics.

Definition from 2017	Definition of 2022	
"Mistreatment is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older adult, whether the person deliberately wants to cause harm or not."	"Mistreatment is a <u>singular or repeated</u> act, <u>word</u> , <u>attitude or lack of appropriate action</u> , occurring within any relationship <u>with a person, a</u> <u>community or an organization</u> where there is an expectation of trust, which <u>intentionally or</u> <u>unintentionally</u> causes harm or distress to an <u>adult</u> "	
Definition (inspired by the WHO (2002) The Toronto Declaration on the Global Prevention of Elder Abuse; the notion of "intentionality" was not part of the original definition).	Definition (inspired by the WHO (2002). The Toronto Declaration on the Global Prevention of Elder Abuse and the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations. (CQLRQ, chapter L-6.3)	
Definition of the term "maltreatment" in the Act to combat maltreatment of seniors and other		
persons of full age in vulnerable situations.		

"A single or repeated act, or a lack of appropriate action, that occurs in a relationship where there is an expectation of trust, and that intentionally or unintentionally causes harm or distress to a person."

N.B. The Act uses the term "maltreatment" rather than "mistreatment" which was adopted for this terminology.

In the updated definition the notions of "attitude" and "word" are introduced to include a variety of behaviours that were not explicitly named in the 2017 version.

The terms "deliberately or not" are replaced by "intentionally or unintentionally" to be closer to the definition in the *Act to combat maltreatment of seniors and other persons of full age in vulnerable situations*.

Similarly, the term "adult" is used instead of "older adult" to be closer to the definition in the *Act*. Thus, this updated definition applies to any adults aged 18 and over, which includes older adults.

THE NOTION OF RELATIONSHIP WHERE THERE IS AN EXPECTATION OF TRUST

In the 2022 definition of mistreatment, the notion of "relationship where there is an expectation of trust" still has an important place. The latter involves more than family relationships and can include a friend, a neighbour, a volunteer, a health care or services provider, etc. In other words, it is not limited to the family circle, but also includes any person or organization that can potentially have a relationship where there is an expectation of trust with an older adult. This is why the part "with a person, a community or an organization" was added to this version of the definition.

THE NOTION OF INTENTIONALITY

In the definition, the notion of "intentionality" emphasises the willingness or unwillingness to, cause harm. It does not qualify the intention of the action or inaction leading to mistreatment.

Every types of mistreatment no matter if it is under the form of "violence" or "neglect", can occur "intentionally" or not. If there is harm, as small as it is, it is mistreatment. This conclusion is applicable even if the person, the organization or community adopting an "attitude", saying a "word", committing an "act" or showing a "lack of appropriate action" does not intend to cause harm to the older adult.

Different reasons can lead to adopting behaviours of "violence" or "neglect" that are intentional or unintentional toward an older adult. By knowing these potential causes, it is easier for the practitioner or the person interacting with the actors involved in the situation (people, organizations or communities) to act on the sources of the problem.

The notion of intentionality guides the approaches and the actions to take by the practitioners or instances coming from multiple areas of activities and having the necessary expertise to diminish the harm caused by mistreatment and potentially put an end to the situation. Indeed, the action taken with a person, organisation or a community that harm consciously differs from the one taken with a person, an organization or community that commits mistreatment because of a lack of knowledge, ability or resources.

THE NOTIONS OF HARM AND DISTRESS

Both present in the definition of 2017 and 2022, the notions of "harm" and "distress" refer to the psychological, physical, social and financial effects directly linked to experiencing a mistreatment situation. Harm and distress are deeply ingrained in time, they can be immediate, but also last, develop or worsen as time goes by. Furthermore, harm perceived by the involved persons in this mistreatment dynamic (the older adult, the surroundings, the practitioners) can differ from one person to another. The position occupied by each actor and their personal and interpersonal history, influences their perception of harm or distress experienced or caused.

THE NOTIONS OF "SINGULAR" AND "REPEATED"

The term "singular" or "repeated" describes the "attitudes", "words", "acts" or "lack of appropriate action". These terms are not different between the 2017 and the 2022 version of the terminology. However, they allow to highlight that even one situation of violence or neglect, intentional or not, can be considered as mistreatment if it causes harm or distress to the person.

<u>N.B.</u>

In the 2022 version of the terminology, the section "N.B." was improved. This section includes the key principles that should be known and promoted on the subject of countering mistreatment of older adults. These are applicable to all types of mistreatment and every location where it occurs, which is why it can be found at the beginning of the document. Only the additions to the 2022 version of the terminology are detailed.

1) A mistreatment situation can involve multiple types of harm or distress.

The harm or distress linked to a mistreatment situation can be of a physical, psychological, social or material and financial nature, independently from the type of mistreatment experienced. For example,

the implications of a situation of financial mistreatment are of course felt financially, but can also be felt physically, socially and psychologically on the short or long term.

2) There are issues of violation of rights in all types of mistreatment.

This highlights, with emphasis, the transversal characteristics of violation of rights that is put forward in the updated terminology. Meaning that violation of rights is possible in all mistreatment situations.

3) Ageism is a personal and social issue that asks for actions on both of these fronts.

Everyone has the responsibility to act respectfully toward a person, whether this person is younger or older. These individual "words", "attitudes" and "acts" must promote positive interactions such as listening, the consideration of the needs and emotions of others and the recognition of their experience, regardless of the person's age.

4) Mistreatment occurs in a context that must be considered by each of the actors involved.

On the one hand, the individual and environmental characteristics of the mistreated person and the mistreating person tint the context in which actions are undertaken to put an end to the mistreatment situation. These characteristics can be linked to the family history, neighbourly relations, medical condition, socio-economic status, cultural background, gender identity, sexual orientation, etc. Each mistreatment situation is unique.

On the other hand, these specific components to older adults and their environments, constitute a fulcrum on which every actor involved must base their understanding of the situation. Except, this understanding can be different from one person to another. This makes it necessary to open a dialogue to select the proper actions to undertake to ensure older adults' security, as well as taking into account the expression of their needs, preferences and wishes.

AGEISM AS AN INDIVIDUAL AND SOCIETAL ISSUE OF MISTREATMENT

A major change to the updated terminology in 2022 was to keep ageism as a type of mistreatment as well as making it a global context.

On the one hand, by making ageism a contextual element that is both individual and social, the new version of the terminology puts on the forefront and highlights the harmful effects of reducing someone to an age group with homogenous characteristics. This misconception has the direct effect of dismissing the specific individual characteristics of a person (preference, aspirations, etc.) and standardizes interpersonal relationships. These ageist individual and social beliefs are found in each type of mistreatment. Here are some examples:

- Using medication for any other use than its initial purpose, which is considered a pharmacological constraint in Quebec, can lead to other behaviours of **physical mistreatment**.
- To consider that by aging a person becomes asexual can be foreshadowing of **sexual mistreatment**.
- To convey that each older adult has more monetary or material possession than they need can lead to **financial or material mistreatment**.
- To believe that all older adults lose their cognitive abilities by aging can lead to the adoption of attitude of infantilization that is close to **psychological mistreatment**.
- To consider that preventive healthcare and social services are no longer "necessary" once a person has reached a certain age by arguing that the cost to benefit ratio is not worth it, tends to lead to the adoption of methods than can lead to **organisational mistreatment**.

On the other hand, these ageist "attitudes", "words" and "acts", most of the time unconscious, have tangible effects on multiple aspects of the older adult's personal and social life. By establishing ageism as an issue that encompasses the seven types of mistreatment in the 2022 version of the terminology, it reflects that ageism is a fertile ground for the emergence of mistreatment situation.

Finally, by establishing it as an encompassing issue it allows to highlight the fact that everyone including the organizations, has their share of responsibility in countering ageism.

THE VIOLATION OF RIGHTS AS A CENTRAL ISSUE IN COUNTERING MISTREATMENT

In the most recent version of the terminology, the violation of rights is established as a transversal issue to each type of mistreatment. In other words, it highlights the fact that rights are susceptible to be infringed upon in all types of mistreatment situations. It is notably the case for the right to security, integrity and personal freedom, the right to safeguard one's dignity, the right to information, the right to housing and the right to protection against exploitation. As such, a violation of rights and freedoms, as presented in the Charter of human rights and freedoms, can occur within other types of mistreatment presented below.

Furthermore, by placing the violation of rights to an encompassing position allows to pay more attention to the effects of the latter in each of the seven types of mistreatment. Even though violation of rights can be harder to identify at first sight, it can create harm and distress to older adults on many levels, notably physical, psychological, social or material and financial.

It is important to note that a Court judgement is not necessary for a violation of rights situation to be experienced by an older adult. In that sense, society and the different actors interacting with older adults share the responsibility to promote and defend the rights of the latter, whether a situation has been brought to court or not.

THE FIVE OTHER TYPES OF MISTREATMENT

Psychological mistreatment

The definition of psychological mistreatment was not modified conceptually from the 2017 version to the 2022 version. Nevertheless, more examples of psychological mistreatment were added to include comments that are xenophobic, ableist, sexist, homophobic, biphobic or transphobic.

Although some of these comments refer to the sexual or gender identity, these were added as manifestations of psychological mistreatment rather than sexual mistreatment. The reason behind this decision is because these are attacks to the psychological integrity of the person rather than their sexual integrity.

Even if not a new thing in the 2022 terminology, the provincial survey "*Enquête sur la maltraitance envers les personnes aînées au Québec*" (EMPAQ) conducted in 2019 highlights the prevalence of psychological mistreatment in Quebec. This investigation concludes that in the form of violence, this type of mistreatment, is the most reported by older adults living at home (4,6%). It is also most frequently linked to other types of mistreatment when a situation presents more than one type at a time. Subtle, sometimes insidious, it must not be trivialized since it creates significant consequences for the older adult. For example, the continuation of depressive or anxious symptoms, the appearance of suicidal ideations, the development of sleep disorder, etc. To these individual consequences, social effects are added, notably an increase in the use of healthcare services.

The EMPAQ also focused on the actions taken by the older adults who experienced psychological mistreatment. It is promising to see that a bit more than the third (36%) of older adults have managed to resolve the situation by talking about it or by seeking help. Another third (36%) have not talked about it or have not sought help. Which is more worrisome knowing the effects that can be created by psychological mistreatment on the general health condition. The awareness raising and identification efforts on the matter of countering mistreatment in general, and psychological mistreatment in particular, must continue.

Physical mistreatment

Broadly speaking, no conceptual modifications were made to the definition of physical mistreatment in this new version of the terminology. Between the version of 2017 and 2022, the statistical investigation done in Quebec allowed to paint a portrait of the prevalence of this type of mistreatment by measuring its two forms.

Even though the overall rate seems low for physical neglect (0,4%), it remains important that subpopulations are more impacted by this type of mistreatment. Knowing this, particular attention should be given to the identified population, such as the 85 years and older (1,3%) and the older adults stating that they need help for everyday activities (5,3%).

In the case of physical mistreatment in the form of violence, the prevalence rate is about 0,8% which represents yearly the equivalent of 10 300 mistreated older adults. The collected data shows that certain situations, such as being pushed, shoved or gripped, getting an object thrown at or being hit, are statistically more inclined to last over a prolonged period (12 months and more). In other words, exploring these manifestation of physical violence can be a starting point to identify situations of physical mistreatment.

Sexual mistreatment

In the terminology made public in 2015, and in the 2022 version, sexual mistreatment was separated from physical mistreatment. This choice comes from the willingness to emphasize the social acknowledgement of older adults' sexual needs, which is still taboo. In this regard, according to the EMPAQ, about 5 500 persons (0,4%) are targeted by this type of mistreatment in the form of violence each year. For more than the third of these persons, it would be someone known to them (relative or friend) who committed these acts (34%).

Furthermore, this separation highlights the existence of a diversity of gender identity and sexual orientations within the older adult population. By doing so, putting this type of mistreatment to the forefront follows the renewal approach of the terminology which makes the violation of rights a central issue in countering mistreatment. In that sense, it is stated in the 10th article of the *Charter of human rights and freedoms* of Quebec: "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law [...]" (CLRQ, chapter C-12).

Material or financial mistreatment

In Quebec, material and financial mistreatment does not include "fraud" situations committed by a stranger or a criminal organization. This choice comes with the distinction in the notion of "trust relationship" as it is presented in the definition.

Indeed, when a financial fraud situation occurs, the person or organization that commits the act uses parts of the trust relationship as a way to profit, or take away material or financial goods from an older adult, on the phone, via email or in person. These exchanges have the distinctive trait of mentioning an "urgency" to take action to put an end to a harmful situation for the older adults or the person that pretends to maintain a trust relationship with the latter.

The trust relationship, as it is described in the material or financial mistreatment definition, refers more to the context in which the situation occurs than to the means. However, exceptions concerning this distinction exist. It is the case when using psychological threats or emotional blackmail with the goal of taking money from a known older adult. To this first distinct characteristic the possibility to interact or intervened with the person committing the act of material or financial mistreatment can be added since the person is identifiable, which is not the case with most fraudsters since they generally act anonymously.

Taking these points into consideration, the prevalence data from the EMPAQ are not entirely representative of material or financial mistreatment the way it is described in the definition. As a matter of fact, the investigation presents a prevalence of 0,8% for this type of mistreatment in the form of violence, which corresponds to 11 000 older adults. Nevertheless, this data includes fraud and fraud attempts committed by someone said to be "trustworthy".

Organizational mistreatment

Organizational mistreatment can occur in each sector of society: in financial institutions, in work environments, within healthcare facilities, within community environments, etc. Indeed, this type of mistreatment is not exclusive to living and seniors' healthcare environments, such as CHSLD, IR, FTR and PSR.

Each organization and individual who compose them have the **shared responsibility** to offer care and services without mistreatment. This responsibility takes form through organizational and diverse individual practices: the adoption and implementation of internal policies to counter mistreatment, the implementation of awareness raising activities, access to continuous training, promoting wellness care, etc.

All of these practices **contribute to increase the vigilance** of organization members to risk factors of organizational mistreatment and improve their ability to identify signs of mistreating organizational practices. By doing so, the **response time** between the identification of a potential or proved mistreatment situations and the intervention will be diminished. This **increased proactivity** will have the effect of limiting the consequences of mistreatment.

Countering organizational mistreatment is also achieved through **accountability**. Indeed, it allows to paint a better portrait of the organization's activities, adjust for the better the care and services when there is room for improvement.

On the other hand, anyone can commit a mistreatment act in an organizational context, whether employed or volunteering, when the organization adopts care and services practices without any signs of mistreatment. In this case, these are individual "acts", "attitudes", "words" or "or lack of actions" committed in a given context that are at stake. Which means that it is not organizational mistreatment, but instead mistreatment in an organizational context. However, if the organization knows that individual behaviours of mistreatment are occurring and no actions are undertaken to end them, this can lead to organizational mistreatment in the form of neglect.

THE TWO FORMS OF MISTREATMENT

No changes were made to the forms of mistreatment between the 2017 and the 2022 version of the terminology. Thus, "violence" still refers to mishandling or coercing an older adult by using force and/or bullying. "Neglect" refers to not caring about an older adult, notably by a lack of appropriate action to the latter's needs.

DOCUMENTS THAT SUPPORT INTERVENTION ON THE MATTER OF COUNTERING MISTREATMENT

In Quebec, certain essential documents support countering mistreatment of older adults. With the aim to acquire or improve your knowledge on the subject, here is a list.

Gouvernement du Québec - Ministère de la Santé et des Services sociaux - Secrétariat aux aînés (2022). Plan d'action gouvernemental pour contrer la maltraitance envers les personnes aînées - Reconnaître et agir ensemble 2022-2027. 111p.

Gouvernement du Québec (2016). Guide de référence pour contrer la maltraitance envers les personnes aînées (2e éd.). Québec, Centre d'expertise en santé de Sherbrooke. 655p.

Government of Quebec (Entry into force in 2017, amended in 2022) - Act to combat maltreatment of seniors and other persons of full age in vulnerable situations.

Government of Quebec (Entry into force in 1976) - Charter of human rights and freedoms (Article 48).

WEBSITES DEVOTED TO COUNTERING MISTREATMENT OF OLDER ADULTS

Some websites are exclusively devoted to countering mistreatment of older adults in Quebec. A lot of information and documentation are available on them.

Research Chair on Mistreatment of Older Adults: https://maltraitancedesaines.com/en/

Commission des droits de la personne et des droits de la jeunesse - L'exploitation de personnes âgées ou handicapées <u>: https://www.cdpdj.qc.ca/en/your-obligations/prohibited-practices/exploitation</u>

Centre for Research and Expertise in Social Gerontology (CREGÉS) of the CIUSSS West-Central Montreal, Domain of Expertise to Counter Mistreatment of Older Adults: https://www.creges.ca/en/domain-of-expertise-to-counter-mistreatment-of-older-adults/

Government of Quebec. (2019). Portal on Mistreatment of older adults: <u>https://www.quebec.ca/en/family-and-support-for-individuals/violence/mistreatment-older-adults/about-mistreatment-older-adults</u>

Elder Mistreatment Helpline: https://www.aideabusaines.ca/en/