Working respectfully

with older and vulnerable

clients

Canadians are living longer than ever before, and older Canadians are increasingly making up a greater proportion of the total population. As investors live longer, there is a greater need for targeted financial advice associated with aging, as well as the need to be more attuned to the changes clients may experience as they age.

While the natural aging process may bring about vulnerabilities, employment status, health, lifestyle, living situation (e.g., living independently or in a retirement home with assistance), and financial engagement may be better indicators of vulnerability than age. Working respectfully with older clients means approaching each person holistically to understand their unique life stage.

While some older clients may be vulnerable, not all older clients are vulnerable or unable to protect their own interests. Vulnerability can affect a client of any age and take many forms. It can be temporary, sporadic or permanent. Vulnerability can be caused by many factors, including a physical, cognitive or psychological limitation or an illness or injury.

## Your role

As [a(n) TITLE], you are in a unique position to identify and respond to challenges and risks faced by older and vulnerable clients, such as diminished mental capacity and financial exploitation. Through the interactions that you have with your clients and the knowledge that you acquire through your relationship with them, you can support your clients in preparing for these risks and addressing them if they arise.

You can support your clients by creating a consistently respectful and supportive environment to discuss these sensitive topics and by discussing your concerns when they arise. This will help you and your clients navigate and respond to circumstances that may place your clients at risk. Respect client autonomy: talk to your clients about concerns that arise and document your conversations.

## Tips for communicating with older and vulnerable clients

* Review your methods of communicating with older or vulnerable clients and be aware of issues relating to vision, hearing and mobility that may impact comprehension.
* Where possible, give deference to the client by using their preferred method of communication (for example, in-person meetings or phone discussions).
* Develop, organize and present written communications with the needs of older or vulnerable clients in mind. This includes using plain language and designing accessible, inclusive communications (e.g., through larger font sizes, spacing and highlighting key points).
* Help clients prepare for conversations through pre-meeting communication. This may include information about what topics the meeting will cover and how long it is expected to take.
* Be prepared to cover key information in more than one format. For example, key terms of contracts, written agreements and disclosures can be explained verbally in plain language.
* Ask clients open-ended questions during your discussions to confirm their understanding and identify any areas of concern.
* You may wish to document your conversations with older or vulnerable clients and provide written summaries or follow-up information to the clients after discussions, as it may help clients who have difficulties recalling information and help to prevent any misunderstandings.

## Be inclusive in how you serve your clients

* Resist stereotypes based on age. We all age differently. Remember that employment status, health, lifestyle, living situation, and financial engagement may be more important indicators of a client’s needs and capabilities than age.
* Communicate clearly and at a level appropriate for each client’s financial literacy.
* Use relevant and respectful language when communicating with your older clients, with attention to life-stage attributes (e.g., empty nesters, pre-retirement, post-retirement, etc.)
* Check in with your clients during meetings. Ask about their comfort, the pace of the conversation and whether breaks are needed.
* Create inclusive meeting spaces that minimize client discomfort and improve communication:
  + Provide comfortable, ergonomic seating
  + Sit to be seen and heard clearly
  + Ensure adequate lighting for people with low vision
  + Limit background noise
  + Remove objects that can cause falls – e.g., loose rugs

## Understand your client’s social support structure

* Social support structures, such as a trusted circle of friends, family and professionals, may be especially important for older and vulnerable clients. Consider whether there are trusted friends and family in the client’s network that could assist the client if needed, for example, by accompanying the client to meetings.
* Talk to your client about who they trust and what sources they turn to for reliable financial information.
* Direct your client to information sources you have confidence in.
* If your client has appointed an attorney under a power of attorney (POA), ask them to provide you with a copy of the documentation and ensure that your records are kept up to date. For more information on how [FIRM] handles powers of attorney, see [FIRM POLICY].

## Prepare for and respond to risks such as diminished mental capacity or financial exploitation

* Take steps to obtain the name and contact information of a trusted contact person (**TCP**) from your client. Request their consent for this individual to be contacted in certain circumstances.
* In accordance with client consent, you may consider contacting a TCP:
  + if you notice signs of financial exploitation;
  + if the client exhibits signs that they lack mental capacity to make decisions involving financial matters;
  + to confirm the client’s contact information if you are unsuccessful in contacting the client after repeated attempts and where failure to contact the client would be unusual; or
  + to confirm the name and contact information of a legal guardian, executor, trustee, an attorney under a POA or any other legal representative.
* More information about TCPs can be found in [FIRM POLICY].
* If our firm has a reasonable belief that financial exploitation of a vulnerable client has occurred, is occurring, has been attempted or will be attempted, or that a client has lost the mental capacity to make decisions regarding financial matters, we may be able to place a temporary hold on a purchase, sale, transfer or withdrawal. Review [FIRM POLICY] for important steps to follow and who to contact.

## [FIRM] has policies and procedures available to assist you in serving older and vulnerable clients, including:

[*List of relevant policies, procedures and contacts at your firm. You may wish to review* [*CSA Staff Notice 31-354 Suggested Practices for Engaging with Older or Vulnerable Clients*](https://www.osc.ca/documents/en/Securities-Category3/csa_20190621_31-354_suggested-practices-for-engaging-with-older-or-vulnerable-clients.pdf) *for examples of policies and procedures that address relevant topics, such as handling of powers of attorney and limited trading authorizations, communicating with older or vulnerable clients, and identifying a trusted contact person*.]