

Law of health education on first aid

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Abstract

Polish law requires all citizens to take action in order to assist in any case, where exist the danger of loss of life and serious bodily injury of victim, even if they can prove to be ineffective. Everyone can become a participant and / or witnessed of the events where human life is endangered. Therefore everyone should have the theoretical knowledge and practical skills in first aid, and know the consequences of inaction in the event of danger to life or health of another human being. The research presents an analysis of legal acts regulating the provision of first aid in Poland. An attempt was made to organize the interpretation presented ideas to the presented material was help and guidance for trainers in first aid. Particular emphasis is placed on the realization, that not helping the man appearing in the position of threatening an imminent danger of death or grievous bodily injury commits a crime by omission. However, first aid in their duties diligently, in accordance with the current guidelines will not conflict with the law.

Keywords: first aid, law, education

Introduction

Everyone can become a participant and / or witness of the events where human life is at risk. Idle waiting for the arrival of emergency medical team, but also the fear of legal liability for causing the deterioration of the health of the injured or ill delay the time of the assistance and drastically reduces the chances of survival if the victim back to full health. Early implementation of the essential functions of first aid - endarterectomy of the upper airways, cardiopulmonary resuscitation, obstruction of massive external bleeding, the victim laying in the recovery position - could save the lives of many victims of emergencies [1,2]. Teaching these simple steps is included in most programs, courses and training in first aid in Poland. All graduates of such training should be able to react properly in emergency situations is to assess the situation and safety, to recognize life-threatening condition, call a specialist to effectively and safely and independently use the life-saving treatments [3,4].

On the training addresses the legal issues of first aid in Poland. First aid to the victim is the responsibility of each participant, witness or perpetrator of a sudden event [3]. Responsibility for assistance arises when a situation in which there is a risk of imminent danger to life or serious bodily injury, and ends at the time of death or grievous bodily harm or upon termination of the risk to these assets [5]. To assist the person who is in danger to life or health, not only oblige the standard molar but also the law. Polish legislation provides legal protection for human life and health. Preserve the public in situations of emergency, accident or other emergency governed by specific legislation, i.e. laws, regulations, resolutions and ordinances. Often, the emerging dilemma of whether to grant assistance? was settled in the Polish law. This follows from the fact that the protection of human life or health cannot rely solely on refraining from actions that could lead to exposure of those assets at risk, but also should be based on activities aimed at the repeal of that risk [5,6]. Taking the training must be aware of legislation relating to first aid, and must be able to interpret them correctly and most accessible way to present the audience [3]. Appropriate to discuss the legal aspects of first aid should be made aware of the consequences of inaction students in an emergency life or health of another human being, but above all it should give them confidence that the first aid in their duties diligently, in accordance with current guidelines do not make conflict with the law. Take measures to rescue

the only way to avoid liability for failure to help a man appearing in the position of threatening imminent danger of death or grievous bodily harm.

Legislation relating to making first-aid activities

Legislation, which provides regulations for taking action to save lives and health of the Act of 8 September 2006, the Emergency Medical, Law of 20 June 1997 Road Traffic Law and the Law of 26 June 1974 Labour Code. Paragraph 4 of Law of the State Emergency Medical Services says that "He who sees a person or persons in a life threatening condition, or are witness to the events giving rise to such a state, as far as its ability and skill is required to immediately take measures to effectively inform the event operators statutorily established to provide assistance to persons in a life threatening condition "[7]. In accordance with Article. 44 Law on traffic in the event the driver to take part in a road accident in which there are no dead or injured is required to stop the vehicle in a manner that causes no danger to traffic, and to take appropriate measures to ensure traffic safety at the accident scene and to immediately remove the vehicle from the scene of an accident that did not cause a hazard or control of traffic. However, in the case where it is killed or injured, the driver is obliged to provide necessary assistance to accident victims and call ambulance and police. If you call the ambulance or the police need to depart - the driver is obliged to immediately return to the scene of an accident. It is extremely important that these provisions also apply to other persons involved in an accident [8]. Article 224 of the Labour Code states that "An employer engaged in an activity that creates the possibility of a sudden danger to life or health of workers is obliged to take action to prevent such danger. An employer shall ensure that appropriate to the type of hazard facilities and safety equipment and services by persons properly trained, as well as first aid to victims, "[9]. The above acts relate to the principle of solidarity is a moral obligation to help the man who is in need. The most famous example of the principle of solidarity is the biblical parable of the "Good Samaritan" written in Chapter 10 of John's Gospel. Luke. In the parable that Jesus tells the man "scholar in the law" about foreign, who, seeing an older, wounded man stopped and gave him the necessary assistance. Henceforth, the term "Good Samaritan" came into everyday life and is currently used in relation to a person who helps people in difficult circumstances, and the parable of the "Good Samaritan" to this day encourages others to show mercy and help people in need. These acts also apply to "rescue chain" underlying the operation of emergency medical systems in the world. According Jurczyk and other authors - the success of emergency pyramid should be built on a foundation of social emergency. The first cell "rescue chain" - call for help,

expertise and first aid at the accident scene - often affect the lives and health of victims of emergency events [10].

Legislation relating to failure to administer first aid

Legislation, which provides regulations for failure to administer first aid can be found in the Act of 6 June 1997 Penal Code, Act of April 23, 1964 Civil Code, the Law of 20 May 1971 Code offenses. The obligation to assist a man whose life or health is exposed to serious danger is one of the basic moral standards generally accepted in Polish society. Polish legislation provides for penalties for breach of that obligation. They are contained in Articles. 162 § 1 of the Criminal Code. Obligation to provide first aid is not only a moral standard, but also the rule of law [5]. Article 162 of the Criminal Code says that "§ 1 Who is the man appearing in the position of threatening an imminent danger of death or grievous bodily harm does not give any aid, being able to give it without putting himself or another person in danger of death or grievous bodily injury, punishable by imprisonment up to 3 years § 2 Do not commit a crime, whoever does not provide assistance to which he is required to undergo medical treatment or conditions in which it is possible to prompt assistance from the institution or person to set up "[11]. Article 162 k.k. determines the general type of crime a man who is not to provide assistance in a situation where his life or health is the object of protection is in the position of immediate danger for those goods [6]. For the purposes of Article 162 § 1 k.k. failure to help is a common crime, because his body can be any man who could provide assistance to a person in distress without endangering themselves or another person to similar danger of not doing so. An example of such a procedure may be failing to help a person drowning by a person how to swim. The condition is of course no danger to persons whose assistance is required [5,6]. Failure to give aid will not be a crime against a person who refrains from rescue operations for fear of real dangers such as drowning. Such risk may be due to the lack of swimming skills. In this connection it should be remembered that the obligation to help is not absolute. According to the legislature adopted the basic premise that every human life is of equal value, is not required from a person who can help - to endanger the life or health of his or another person. Thus, an obligation of aid does not arise when the fulfillment of providing assistance or expose another person to the danger of loss of life or grievous bodily harm [5]. Offense under Article. 162 § 1 k.k. are formal, and its constituent elements must result in death or injury and the fact that they can be committed only by omission. So the perpetrator of an act is responsible for non-obligation to provide assistance. However, by its universal character of this obligation also applies to anyone who found himself in a situation of imminent danger to the life of another

person or serious damage to their health [5,6]. To the responsibility of the Article. 162 k.k. no matter whether due to failure of aid a person at risk has suffered serious injury or death is not necessary the existence of the effect of discontinuing aid. Crime is already made at the time of discontinuing assistance. But the question is immaterial whether the act which the perpetrator failed - would actually help a person whose life or health was in danger [12]. It should be noted that an offense under Article. 162 § 1 of the Penal Code is also intentional - and so it can be committed either by going to direct as well as possible. "For the offense of the Article. 162 § 1 k.k. just going to the alternative, that is, it shall be sufficient if the perpetrator agrees to promising not to help, knowing the circumstances of modal action. The Act does not require that the perpetrator "knew" that another man is in danger, as envisaged by the Article. 162 § 1 of the Penal Code, it is sufficient that the perpetrator was aware of this possibility "[13]. An example might be failure to help a person lying on the road, giving the impression poisoned alcohol when in fact it is the victim of a road accident. Such a victim may be in a position of threatening an imminent danger of death or grievous bodily harm. Only the finding of death is not required to take action to assist in the situation referred to in Article. 162 k.k. [12]. The Supreme Court in its Judgement of 17 February 1989 put it, that "the life of every person regardless of age, health status (...) is the supreme and is subject to the same legal protection" [14]. Therefore, the valuation of life of victims in every situation is unacceptable. In accordance with Article. 162 § 1 k.k. offense referred to therein shall be prosecuted ex officio and is punishable by imprisonment up to 3 years The principle of the law enforcement authority lies in the fact that specialized state bodies, particularly the police and prosecutors initiate criminal proceedings and continue on with the offense irrespective of the will and consent of the injured person, but often even against her will. Withdrawal of complaints or refusal to testify is not the basis for the discontinuance of the proceedings, if there are reasonable grounds to believe that the offense was committed [15]. Admission criminal offense under Article. 162 k.k. is not taking action to help - even if the chances of the repeal of the danger were small [12]. There are only two cases in which prosecution of an offense is disabled man not to provide assistance in times of imminent danger threatening the loss of life or grievous bodily harm. "They cover the following situations where the aid would consist of submitting to medical treatment and when the circumstances of the case shows that it is possible to prompt the institution or person to set up more like a medical emergency [16]. However, the possibility of immediate assistance from the institution or person appointed to this must be real, i.e. without aid cannot explain the delusion that an ambulance was called. Exemption from the obligation to provide assistance will take place only when such an emergency medical team members to join the rescue

operations. Until the arrival of specialist assistance to the award rests with everyone who is on the scene [5]. Please note that unjustified illusion of the facts set out in Article. 162 § 2 does not switch off responsibility for failure to help a man appearing in the position of threatening an imminent danger of death or grievous bodily harm [5]. The Civil Code qualifies first aid as not commissioned task. Write Article. 752 of the Civil Code clearly states that "Whoever without authority by an affiliate of the matter, it should work for the benefit of the person to whom the case leads, and in accordance with the probable intention, and handling the case is bound to act with due care" [17]. In accordance with Article. 752-757 of the Civil Code relating to the conduct of others' affairs, helping give rise to two opposing aspects of civil liability. On one hand, the person giving first aid to the injured party may demand reimbursement of reasonable expenses and disbursements incurred during the rescue operation, such as the redemption of waste materials from the private dressing kits, fire extinguisher filling. Conversely, the person is responsible for the damage caused following the rescue operations. Duty of care applies to all first-aiders, both accidental witnesses and paramedics, doctors and nurses. A person giving first aid will be responsible for damage caused by incorrectly performed rescue operations, provided it is proved that the damage is a consequence of deliberate (willful misconduct), or grossly negligent for the task (gross negligence) [17]. The injured party may require the person giving first aid remedy. In accordance with Article. 444 Civil Code "in the event of injury to health or causing to cover any damages resulting from improper use costs. At the request of the victim, the person required to repair the damage should spend in advance the sum needed for medical expenses, and if the victim has become invalid, the sum of the costs needed to prepare for another profession. However, in the case in which the person totally or partially lost earning capacity, or if their needs have increased or decreased the prospects for the future, he may require compensation from the debtor with an appropriate annuity. If at the time of the judgment damages cannot be accurately determined, the victim may be granted a temporary pension [17]. In all these cases in accordance with Article. 445 Civil Code, "the court may award the victim an adequate sum of money as compensation for damage suffered" [17]. In a situation where the result of injury to health or causing death victim in accordance with Article. 446 Civil Code, the person required to repair the damage should pay medical expenses and funerals for those who suffered them. "The court may also grant immediate family members of deceased adequate compensation, where, because of his death was a significant deterioration in their circumstances," [17].

The problem of damage and it also regulates compensation for the Law of 8 September 2006, the State Emergency Medical Services. Article 5, paragraph 2 of Law says that "the person

giving first aid may be given to the personal interests of another person, other than life or health, and good property in so far as is necessary to save the life or health of a person located in a state of emergency health risk "[7]. Article 6 of the same Act says that "A person who has suffered damage to property arising following the award of its first aid, have a claim for compensation for the damages from the State Treasury represented by the voivod competent for the place of injury" [7]. Compensation includes only the actual damage. However, not entitled to damages if it was solely the fault of the person giving first aid or a third person for whom the Treasury is not responsible [7]. Civil and Penal Code says, essentially only the omission of first aid, but does not hold positions in the cases of inadequate provision. A person giving first aid for injury to health or the induction of accident victims as a result of gross negligence or willful misconduct, will be responsible for causing these consequences of his actions. However, all activities performed in good faith in accordance with current guidelines for first aid and possessed theoretical knowledge and practical skills will not result in any person providing first aid at the accident scene to a conflict with the law [3,4]. Also, remember that the person giving first aid on the basis of Article. 5 of the Act of 8 September 2006, the State Emergency Medical Services shall enjoy the protection accorded to public officials [7]. This protection to the criminal law is a strict liability for breach of criminal law such as the inviolability of personal assault on her, insulting her, the use or threat of unlawful violence to compel it to comply with the acts or omissions of tasks. For these offenses, Penal Code provides for heavy penalties [11]. Persons involved in a road accident are required to administer first aid to victims of the accident. If a participant in a road accident, whose behavior does not suit the offense of the road will not stop the vehicle driven at the event and did not immediately provide assistance to accident victims, may be responsible for such a procedure under Article. 162 § 1 k.k. or Article. 93 violations of the Code [18]. In accordance with Article. 93 of the Code of offenses carrying vehicle that participated in a road accident did not provide immediate aid accident victim, is punishable by detention or a fine. In the event of committing the offense itself is driving ban [19]. Article 93 of the Code does not involve any criminal offenses from the perpetration or aiding an accident, but only with the participation in it. This means that for participating in the event you need to recognize the perpetrator, the victim, who suffered injuries, as well as the person who has not suffered any injuries, but was not among people involved in an accident, such as a passenger vehicle. Please also note that in certain situations, it could be perpetrators while the victim [20]. Application of Article. 93 § 1 of the Code offenses is disabled when a road accident victim found herself in a situation threatening imminent danger of death or grievous bodily harm, and the driver involved in an accident which did not give its help, being

able to give it without endangering yourself or another person danger of death or grievous bodily harm, because then comes into play the responsibility for an offense under Article. 162 of the Penal Code [20].

According to the Supreme Court "... the failure by the perpetrator of an accident victim support this event not only a violation under the Act the right of traffic, but also testifies to the low morale of the offender and should be treated as a significant aggravating factor" [21].

Summary

Polish law requires all citizens to take action in order to assist in any case, the danger of loss of life and serious bodily injury victim, even if they can prove to be ineffective. Everyone can become a participant and / or witnessed the events by which human life is endangered. Therefore should have the theoretical knowledge and practical skills in first aid. Everyone should be aware that it is not helping the man appearing in the position of threatening an imminent danger of death or grievous bodily injury commits a crime by omission. It is also important that the person undertaking a variety of rescue operations performed them with special care to which it is obliged under the law. Conducted training in first aid must be familiar with legislation relating to matters of first aid, and must be able to interpret them correctly and most accessible way to present the audience. Increasing the level of public awareness of the legal knowledge of first aid can help to increase the number of people taking action to rescue people in imminent danger threatening the position of loss of life or grievous bodily harm. According to T. Burnett "and" Saving people, who without our help they could not live, shapes us. The fight to preserve the lives of others enriches our lives, deepens or human feelings. The belief that life is important, and proceedings in accordance with that belief affects the attitudes of all those who are witnesses "[22].

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