

LEGAL ACTS OPERATING IN POLAND CONCERNING FIRST AID

Patrycja Misztal-Okońska, Mariusz Goniewicz, Kamil Bednarz

¹ Medical Rescue Department of Medical University of Lublin

Abstract

Having knowledge and skills in first aid is extremely important as this has a huge impact on the health and life of the injured person during an emergency. In Poland, the issue of the obligation to provide first aid is governed by a number of legal acts, so that citizens can feel secure in the hope that they will be assisted by witnesses if necessary. The paper presents the legal acts in force in Poland that mention the obligation to provide first aid. Its aim, in addition to discussing the most important laws and regulations, is to emphasize the essential need to acquire and update skills in this area.

Keywords: first aid, legal acts

The need to provide first aid to victims is not just a question of our ethical principles or good will, and that issue is regulated by the law in each country. In Poland the issue of the obligation to provide first aid has been included in numerous legal acts, but before discussing them, it is necessary to define what first aid is. According to Art. 3. subpara. 7. of the Medical Rescue Act of 8 September 2006, first aid is: "a set of actions taken to rescue a person in the state of emergency performed by a person present at the scene of the emergency, including the use of medical products and equipment, within the meaning of the provisions of the Act of 20 May 2010 on medical devices and medicinal products issued without a prescription of a physician admitted to trading on the territory of the Republic of Poland "[2].

In view of the above definition, a witness at the scene of an accident is the person giving first aid; he or she can use medical devices to save the injured person's life and health and he or she may not have medical education and still provide the assistance. Therefore,

every person should have a basic knowledge of how to properly deal with the victim, since everyone can witness such an event. Furthermore, the obligation to provide assistance occurs when a situation arises which results in the risk of immediate danger to life or serious injury [3], whether we witness a sudden cardiac arrest or someone in our environment just starts to feel worse and, for example, collapses. In each of these situations, it is the behavior of accidental witnesses which ultimately decides about the health or life of the victim. These are the so called first survival chain links, i. e. an early response, rapid emergency service notification and taking actions that determine the patient's good prognosis and decide whether effective in-hospital support will be possible. Figure 1 presents the first, most important factors determining the survival of a person with sudden cardiac arrest, the fulfillment of which depends on the response of society.



Fig. 1. Key elements which enhance survival in non-hospital cardiac arrest. Source: Resuscitation Guidelines 2015 ERC p. 105.

The most frequently mentioned legal acts which deal with the obligation of all citizens to provide first aid if they witness an accident involving a person in need of assistance, are the Medical Rescue Act and the Criminal Code.

The Medical Rescue Act of 8 September 2006 (Journal of Laws 2016, item 1868) obliges citizens to notify the relevant emergency bodies of the occurrence of an accident and it states that:

"Art. 4. Whoever perceives a person or persons in a state of emergency or witnesses an event causing such condition shall, as far as his or her abilities and skills allow, take

immediate action to effectively inform the body legally designated to assist persons in a state of medical emergency.

Art. 5. 1. The first aid, qualified first aid and medical emergency service provider shall benefit from the protection provided for in the Act of 6 June 1997 – the Criminal Code for Public Officials.

2. The person referred to in Para. 1. may sacrifice personal rights of another person other than life or health as well as his/her property in so far as it is necessary to save the life or health of a person in a state of medical emergency.

Art. 6. 1. A person who has suffered damage to property resulting from first aid shall be entitled to claim damages from the State Treasury represented by the voivodeship competent for the location of the damage.

2. Fixing the damage referred to in Para. 1. concerns actual damage"[2].

The Act recognizes the value of human life and points out that material goods can be sacrificed to save people (if required), and the State Treasury will compensate for the damage suffered.

An exemplary situation in which a person's property is sacrificed is the breaking of the car window to remove the injured person from the vehicle, and damage to his or her own property may be the destruction of his or her own clothing to make a temporary protection of the bleeding site or staining his/her car's upholstery with blood or other body fluids of the victim while transporting this person to hospital. In addition, this law in some way ennoble the first aid providers, thus emphasizing that it is a noble act and treats them in this situation as equal with public officials. In practice, this implies a sharpened criminal liability in case of violation of personal inviolability, insult or violence against the rescuer.

Another important law, this time concerning criminal liability in the case of abandonment of first aid is the Criminal Code Act of 6 June 1997 (Journal of Laws 2016, item 1137). It states that:

"Art. 162 §1. Any person who, witnessing an immediate danger of loss of life or serious harm to health, does not provide the endangered with assistance which can be provided without the risk of loss of life or serious injury to oneself or another person, is subject to penalty of deprivation of liberty for up to 3 years.
§ 2. The punishment shall not concern anyone who does not provide the assistance requiring medical treatment or under conditions of immediate assistance from the institution or person appointed thereto" [4].

It is clear from Article 162 §1 of this law that not providing assistance to an injured person is liable to severe punishment, but at the same time these provisions underline the importance of maintaining the safety of both himself and others when giving first aid.

In the event of the above-mentioned hazard, first aid can be given by making an emergency call and calling the appropriate service. This law informs about the extent of the punishment for failing to provide such assistance, which strongly motivates the witnesses to get involved and to make rescue attempts according to their individual capabilities.

The obligation to provide first aid is also included in the regulations concerning the person driving a vehicle. Art. 44 of the Road Traffic Act of 20 June 1997 (Journal of Laws 2017, item 1260) states that:

"The driver of a vehicle in case of participation in a road accident is obliged to:

- 1) stop the vehicle without causing any danger to traffic safety;
- 2) take appropriate measures to ensure traffic safety at the scene of the accident;
- 3) immediately remove the vehicle from the scene of the accident so as not to cause danger or traffic jam if there is no killed or injured person;
- 4) Submit his/her personal data, personal data of the owner or holder of the vehicle and data of the insurance company with which the compulsory liability insurance is concluded, at the request of the person participating in the accident.

2. If there is a killed or injured in the accident person, the driver is obliged to:

- 1) provide necessary assistance to the victims of the accident and call the Medical Rescue Team and the Police;
- 2) not undertake steps that could make it difficult to determine the course of the accident;
- 3) stay at the scene of the accident or, if calling the Medical Rescue Team and the Police requires leaving the scene, immediately return there.

3. Articles 1 and 2 shall apply accordingly to other persons involved in an accident"[5].

The above provisions of the Road Traffic Act oblige the driver participating in a road accident to take action to help the victims, apart from calling the emergency services. At present, in accordance with the Ordinance of the Minister of Infrastructure and Construction of 4 March 2016 on the training of applicants for driving licenses, instructors and lecturers, applicants for the right to drive motor vehicles, mopeds or trams are obliged to attend a 4-hour pre-medical first aid training [6].

Furthermore, the Act of 5 January 2011 on drivers of vehicles in Art. 23 stipulates that the teaching of first aid should be both in the form of lectures and practical classes [7]. Consequently, the drivers who have been given the right to drive according to the regulations in force should also have the ability to provide first aid. The punishment facing a driver who has not complied with the above-mentioned obligations is specified by Art. 93. § 1 of the Act of 20 May 1971 of the Code of Misdemeanors. According to this document, "a vehicle driver who, when participating in a road accident, does not give immediate assistance to the victim of the accident shall be liable to imprisonment or a fine." In addition, the person committing the offense loses the right to drive [8].

The Polish law also requires the provision of safe and hygienic working conditions and, in case of an undesired accident, the training of selected employees so that they can provide first aid. The document guaranteeing safe working conditions is the Act of 26 June 1974 of the Labor Code, in the following articles:

"Art. 2071. § 1. The employer is obliged to inform employees about:

1) health and life hazards in the workplace; in individual workplaces and during particular works performed, including the rules for dealing with accidents and other emergencies involving health and life hazards to employees;

2) protective and preventive measures taken to eliminate or reduce the risks referred to in Subpara 1;

3) employees appointed to:

a) give first aid,

b) carry out fire fighting and evacuation measures."

In addition, in Art. 224. § 1. of this Act, it orders an employer engaged in activities which may create the potential for sudden hazard to the health or life of employees, the obligation to take measures to prevent potential risks, by providing rescue equipment and personnel duly trained in its use as well as giving first aid to the injured [9].

Another important legal act that precisely describes how to ensure first aid measures at a workplace is the Ordinance of the Minister of Labor and Social Policy of 26 September 1997 on general health and safety at work. A detailed list of how to prepare a work site to ensure a well functioning first aid system in the event of an accident is included in §44. Para. 1. of this Act.

This regulation requires that where work is carried out which may cause a high risk of accidents or the release of vapors, gases or dusts of substances classified as hazardous or

toxic, first aid points have to be established. In addition, each department (branch) of the workplace should have a first aid kit and their quantity (of the first aid kits and first aid points) should be consulted with the physician who carries out the health care of the workplace. In addition, the act stipulates that pre-trained, always available employees must be assigned to the first aid points and first aid kits. In the locations of these facilities there must also be placed instructions on how to provide first aid and the lists of workers prepared to give it. The very important issue also mentioned in the regulation is the availability and visibility of the first aid points and first aid kits locations, which should be marked according to the Polish Standard [10]

Conclusion

The above-discussed legal acts indicate clearly that every citizen has the obligation to provide first aid, accordingly with his/her skills and abilities, and should have knowledge in this field acquired either at school or on the driving license course or at the workplace during the occupational health and safety training.

In our lives we have many different opportunities to get or remember the rules of helping the victims, the only problem is whether we want to get this knowledge? Unfortunately, part of society for many reasons do not want to acquire the principles of first aid, which may often be caused by unreasonable fear of approaching a phantom or shame because of their lack of the skill. Consequently, it is important to pursue continuous education in this area in order to bring about a change in thinking about first aid. Every possible opportunity should be taken to acquire or refresh the first aid skills and to reverse the common way of thinking. It is the avoiding and not using the opportunity to learn when this opportunity arises which should be shameful. Early childhood as well as adolescent education should foster the development of a natural, reflexive first aid giving skill.

References

1. Chomonic M., *First Aid*, Publishing House of the State Higher Vocational School in Nowy Sącz, Nowy Sącz, 2012, p. 9
2. Act of 8 September 2006 on State Medical Rescue (Journal of Laws 2016, item 1868)
3. Goniewicz M., *First Aid Textbook for Students*, PZWL, Warsaw 2013, p. 17
4. Act of 6 June 1997, Criminal Code (Journal of Laws 2016, item 1137)
5. Act of 20 June 1997 on road traffic law (Journal of Laws 2017, item 1260)
6. Regulation of the Minister of Infrastructure and Construction of 4 March 2016 on the training of applicants for driving licenses, instructors and lecturers (Journal of Laws 2016, item 280)
7. Act of 5 January 2011 on vehicle drivers (Journal of Laws 2017, item 978)
8. Act of 20 May 1971, Code of Misdemeanors (Journal of Laws, 2015, item 1094)
9. Act of 26 June 1974 Labor Code (Journal of Laws of 2016, item 1666)
10. Ordinance of the Minister of Labor and Social Policy of 26 September 1997 on general health and safety at work (Journal of Laws 2003, No. 169, item 1650)