

Aspetti giuridici e medico-legali della responsabilità del lavoratore incaricato per il Pronto Soccorso

L.C. CAPRIOLI, M. CIAVARELLA*, A. SACCO**

Dirigente Medico Legale presso la UOC Medicina Legale Azienda USL RM D - Roma

* Dirigente Medico del Lavoro presso il Servizio di Prevenzione Igiene e Sicurezza nei Luoghi di Lavoro (SPISLL) - Azienda USL RM B, Roma

** Dirigente Medico del Lavoro presso l'UO di Prevenzione e Sicurezza negli Ambienti di Lavoro - Azienda USL Frosinone

KEY WORDS

First aid; medical/legal responsibility; designated workers; training

SUMMARY

«Juridical and medical/legal aspects of the responsibility of workers appointed to carry out first aid». **Background:** One of the innovations introduced by law 626/94 [the Italian law on occupational health and safety of workers] is the obligation of the employer to designate workers responsible for first aid. **Objectives:** To identify and discuss the duties, the role and the medical and legal responsibility of workers appointed to carry out first aid measures. **Methods:** Analysis of legislation and current practice concerning medical and legal responsibility in first aid procedures. **Results:** The worker appointed to carry out first aid measures is, by virtue of his appointment, obliged to take action. Therefore, he could commit an illegitimate act both by "acting" and by "omitting" to carry out a duty that is his responsibility. In the first case the worker could be accused of committing an unpremeditated criminal offence when his actions involve negligence, imprudence, inexperience or violation of regulations concerning his duties. A "serious criminal offence" is committed when the most elementary rules of diligence, prudence and skill are violated; the offence is "slight" when negligence, imprudence or inexperience are involved in particularly complex situations. The reference parameter for inexperience is not a first aid volunteer, nor a member of the public, but a worker designated to carry out first aid possessing "average" attitudes, training and ability. Briefly, a guilty error by the appointed worker consists of the following: i) the professional conduct of the operator was clearly wrong, serious and unjustifiable; ii) the operator clearly omitted doing his/her duty; iii) the consequence of the error is physical personal damage. **Conclusions:** The observations made clearly illustrate the delicacy of the tasks of the worker appointed to carry out first aid measures. Essential elements for minimizing wrong and/or negligent conduct are appropriate choice of the designated workers and their adequate training.