

# AEDS

## IN THE WORKPLACE

From time-to-time clients ask for advice on liability issues concerning Automated External Defibrillators (AED) for emergency use in the workplace. As a general proposition, and pursuant to the relevant Ohio statutes, a private employer would not likely face any liability for providing or using AEDs in the workplace.

For most buildings and offices, there is no legal requirement in Ohio for a private employer to provide an AED. (Public school buildings and other types of public buildings are governed by different legal requirements.)

Section 3701.85 of the Ohio Revised Code is the on-point Ohio law. It encourages those who may use an AED to get the proper training. An employer must maintain and test the AED according to the manufacturer's guidelines. The law recommends that an employer notify an emergency medical services organization of the location of the AED. Again, training is recommended, but not required. Given the life-saving benefits of an AED, it would make little sense to provide one in the workplace without training a couple of employees in its use. Under Ohio law, if a person uses an AED, he/she must make a good faith effort to activate an emergency medical system, i.e., call 911, as soon as possible.

Section 2305.235 of the Ohio Revised Code is Ohio's Good Samaritan law. People who try to help a person under cardiac arrest with an AED are immune from civil liability, unless their acts constitute willful or wanton misconduct. The immunity from liability also extends to an employer which provides AED training or the AED equipment itself. Again, if an employer brings in the equipment, the employer will need to maintain it and test it.

If an employer acquires an AED, the employer should bring in a certified instructor to train several employee-volunteers at each facility where an AED is mounted.

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**special feature**

By Matt Fitzsimmons

An advertisement for Hilliard One Hour Cleaners and Shirt Laundry. The background shows a rack of colorful clothes. The text is arranged in a circular logo at the top, followed by a slogan, and then service details and contact information at the bottom.

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