

WILLFULLY VIOLATING OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA
RESULTING IN DEATH OF AN EMPLOYEE.—G.S. § 95-139. MISDEMEANOR.

The defendant has been charged with willfully violating a standard, rule, regulation, or order of the Occupational Health and Safety Act of North Carolina (OSHANC) resulting in the death of an employee.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant is an employer.¹

Second, that the defendant willfully violated a [standard] [rule] [regulation] [order] of the Occupational Safety and Health Act of North Carolina by (*describe conduct*)².

Third, that the violation resulted in the death of an employee.³

And Fourth, that the employee was [eighteen years of age or older] [under eighteen years of age].⁴

If you find from the evidence beyond a reasonable doubt that, on or about the alleged date, the defendant was an employer, the defendant violated a [standard] [rule] [regulation] [order] of the Occupational Safety and Health Act of North Carolina by (*describe conduct*), that the violation resulted in the death of any employee, and that the employee was [eighteen years

1. The term "employer" means a person engaged in a business who has employees, including any state or political subdivision of a state, but does not include the employment of domestic workers employed in the place of residence of his or her employer.

2. See Chapter 95 Article 15 of the North Carolina General Statutes for the complete Occupational Safety and Health Act of North Carolina.

3. The term "employee" means an employee of an employer who is employed in a business or other capacity of his employer, including any and all business units and agencies owned and/or controlled by the employer.

4. The penalty for this crime is higher if the employee was under eighteen years of age.

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of age or older] [under eighteen years of age], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁵

5. Note that this charge shall not prevent a Prosecuting officer of the State of North Carolina from proceeding against such employer on a prosecution charging any degree of willful or culpable homicide.