

1 of information acquired from the safety walk reports.

2 And the most serious deficiencies, of course, we know
3 were not dealt with by the company.

4 Having reviewed the evidence, Mr. Commissioner, the
5 question that emerges is not why didn't the miners tell
6 anyone about what the conditions were in which they
7 working. The question is, why didn't the inspectors in
8 the Department of Labour respond to the wealth of
9 information they were receiving about conditions
10 underground at Westray?

11 Now one reason for the paralysis in the Department
12 may lie with the dominant philosophy in the health and
13 safety division. It was, and perhaps still is, a
14 philosophy of non-engagement that in this case encouraged
15 blind deference to the mine operator. The concept of
16 shared responsibility became a means by which regulators
17 evaded responsibility. They deferred to internal safety
18 organizations without first determining that those
19 organizations were in place and functioning properly.
20 And the result was a void that left Westray employees
21 unprotected. We submit you should recommend changes to
22 the health and safety laws of this province to ensure
23 that internal responsibility never again becomes an
24 excuse for inaction and incompetence on the part of
25 public officials concerned with occupational safety.