

1 air to the mining machine and maintain production. There
2 is not one instance in the evidence where the miners did
3 this on their own initiative. There were cases when they
4 would ignore the request or take the screen and plastic
5 blocking the tube down after the supervisor had left the
6 area.

7 The management at Westray had a policy of blocking
8 ventilation tubes to increase air flow to the mining
9 machines and the miners were in no position to prevent
10 that policy from being implemented.

11 Mr. Commissioner, when you review the evidence
12 before you, we are confident you will agree that the
13 employees of Westray did their best to work safely.

14 And considering the evidence, the fact that no one
15 was killed or seriously injured before May the 9th is
16 very a tribute to their safe work practices.

17 There can be no doubt, Mr. Commissioner, that the
18 direct responsibility for the working conditions in the
19 Westray mine rested with the management of the mine. In
20 practice, the on-site management of Westray Coal was two
21 people, one who was stretched beyond his limits and the
22 other who was unfit to perform the job he held.

23 In practice, the mine manager and the underground
24 manager controlled most of what happened in the mine.
25 They established the priorities. They hired the staff.