



## *ULC Releasing EIFS Standards*

Underwriters Laboratories of Canada is releasing three new standards for Exterior Insulation Finishing Systems (EIFS). The standards will be applied to the following:

- Materials & Systems
- Installation
- Design

The first part of the ULC S — 716 series, the CAN/ULC S-716.1— Standard for EIFS Materials & systems is being revised to be included in the National Building Code and will apply to the testing of systems and component materials in a Canadian environment. Specifically, testing criteria is being developed for a drainage cavity and a water barrier which is based on Canadian research. Gerry Genge, President of the Ontario Building Envelope Council (OBEC), noted that “this is a substantial revision to the existing standard.” The new testing requirements also include the use of full panel EIFS, checks for drainage and a test of the whole system.

The second standard, CAN/ULC S-716.2— In-

stallation will instruct installers on what needs to be one and what to look for in or-



der to install an effective EIFS systems. This will greatly benefit contractors who currently have little information to work from when installing EIFS.

The third standard, CAN/ULC S-716.3— Design is focused toward Architects and Designers and provides them with theory on design and details on what the design should or should not do.

The goal concept behind these new standards is to identify and ultimately incorporate EIFS into an entire wall system. In many cases, EIFS systems are blamed for things that are not inherently their fault. For example, Genge notes, “EIFS design requires a drainage cavity, but this standard makes it clear that the cavity is designed only for incidental water — it’s not plumbing. Likewise, a water resistant barrier or a stub back-up system aren’t part of the EIFS system, even though they may be

## COCA working to make prompt payment the new norm



COCA announced that it has aligned itself with the National Trade Contractors Coalition of Canada (NTCCC) in an effort to establish prompt payment legislation for Ontario construction. Ontario's construction industry does not operate with well defined timeline guidelines for payment for services, many contractors are end up "financing" the costs of projects until they are paid, or in a worst case scenario are left without payment altogether. The industry intends to send a message that the long-accepted practice of late payment for work completed will not be tolerated. Contractors are no longer want to be left to bare the burden of the many upfront costs associated with the beginning of a new project. Many jurisdictions, including the United Kingdom, the European Union and many American states have already adopted prompt payment protocols as part of the terms and conditions for doing business in the construction industry.

### *The Mathews Dinsdale Minute*



Are you making sure that you are satisfying your obligations to provide a safe workplace for your employees? This issue is gaining more and more notoriety. This past spring the amendments to the Occupational Health and Safety Act (the "OHS Act") brought in substantial obligations for employers with respect to workplace violence and harassment. We have written about that before. On the subject of safety, but in a different context, breaking news stories in October brought home the potential implications of failing to properly provide for a safe workplace for your employees.

Everyone saw the tragic newspaper articles. On Christmas Eve 2009, a swing stage collapsed at a building on Kipling Avenue in Toronto. The collapse sent five workers on a thirteen story fall. Four of the workers were killed and the fifth suffered serious injuries. Have you kept track of the fallout from this event? According to various news reports the following has happened:

In August, the company that employed the workers, the company that supplied the swing stage, and various officers and/or directors of those companies had sixty-one separate charges laid against them under the OHS Act. If convicted of these charges, the corporations face fines of up to \$500 000.00 per charge and the individuals face fines of up to \$25 000.00 and prison sentences of up to twelve months.

Also in August, newspaper reports indicate that the lone survivor of the fall filed a civil suit claiming \$16.3 million in damages. Reports indicate that both of the worker's legs were crushed and his spine was broken in the fall.

On top of these significant charges and claims, newspaper reports indicated that in October the police laid criminal charges against three individuals arising out of the incident. The charges are for four counts of criminal negligence causing death and one count of criminal negligence causing bodily harm. The charged individuals face maximum sentences of life in prison.

The criminal code charges are possible due to the Bill C-45 amendments to the Criminal Code of Canada enacted 6 years ago. While these have been in place for over half a decade, they have been sparingly utilized and no scenario has received the publicity of the swing stage deaths on Christmas Eve.

While none of you are likely to have workers on swing stages, the fact is that construction sites are dangerous places. You will have workers on scaffolding or other lifting equipment that can create a fatal fall hazard. The purpose of outlining the charges that have arisen from the swing stage collapse is to clearly, in one place, outline some of the liabilities that could potentially arise if a worker is killed or severely injured. It is crucially important that all employers make sure they take every reasonable precaution to ensure their workers are safe, both for the workers and for yourself. Are you making sure you have all your bases covered?

