

Legal Liability Issues With Public Installations of Wired Glass

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SPIAO Christmas Workshop
December 1, 2017



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- What is wired glass and how is it different from other glass products?
- When did it come into wide-spread use, and why?
- What kinds of claims does wired glass expose insurers to?
- New legislation, regulations and standards – what to expect.
- Solutions for current installations.

What is Wired Glass?

- The wires hold the glass together in a fire to slow the spread of smoke and fire
- It is mistakenly perceived as safer because the embedded wires create an illusion of increased strength but wire glass does NOT pass modern impact test standards
- Wired glass is actually *weaker* than annealed glass of the same thickness

What is Wired Glass?

- <https://www.youtube.com/watch?v=IJCzoYRIUSM#action=share>

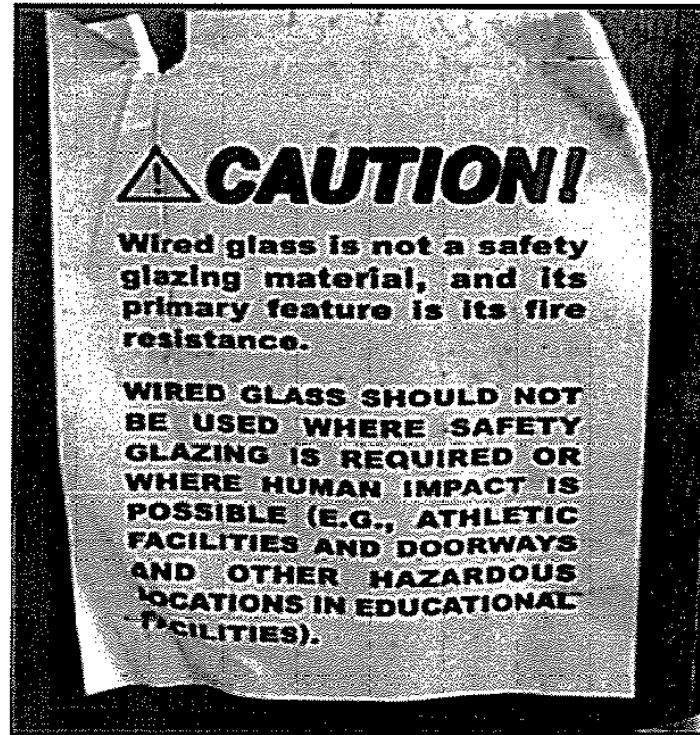
What is Wired Glass?

- Wire is for fire, not strength!
 - Its purpose is to stop the spread of fire
 - The Fire Code only requires it be installed in windows or doors that are classed as fire separation barriers or fire doors (i.e. doors leading to stairwells, etc.)
- it is NOT impact-resistant “safety glass”

Legislation / Regulations / Standards

- The OBC allows laminated, tempered or wired glass in these instances with no distinction:
 - “[glass in doors] in public areas...shall be safety glass or wired glass”
 - The manufacturers of wired glass acknowledge it is NOT a safety glass and label each pane with warnings that it should not be used in locations where safety glass is required

Legislation / Regulations / Standards



- These warning labels are almost inevitably removed prior to installation

Legislation / Regulations / Standards

- The Canadian General Standards Board (“CGSB”)
- The National Building Code of Canada (“NBCC”)
- The Ontario Building Code (“OBC”)
- The OBC and the NCBB require “safety glass” in only certain situations for doors accessible to the public
- Wired glass is only *required* for fire-separation

What kinds of claims do we see?

- Variety of claims involving going through the glass, usually with an arm
- Some instances in fixed window applications, but by far the most common are on hallway and exit doors
- Many of these instances are on doors that do NOT require fire separation (i.e. outside doors in part of a vestibule)

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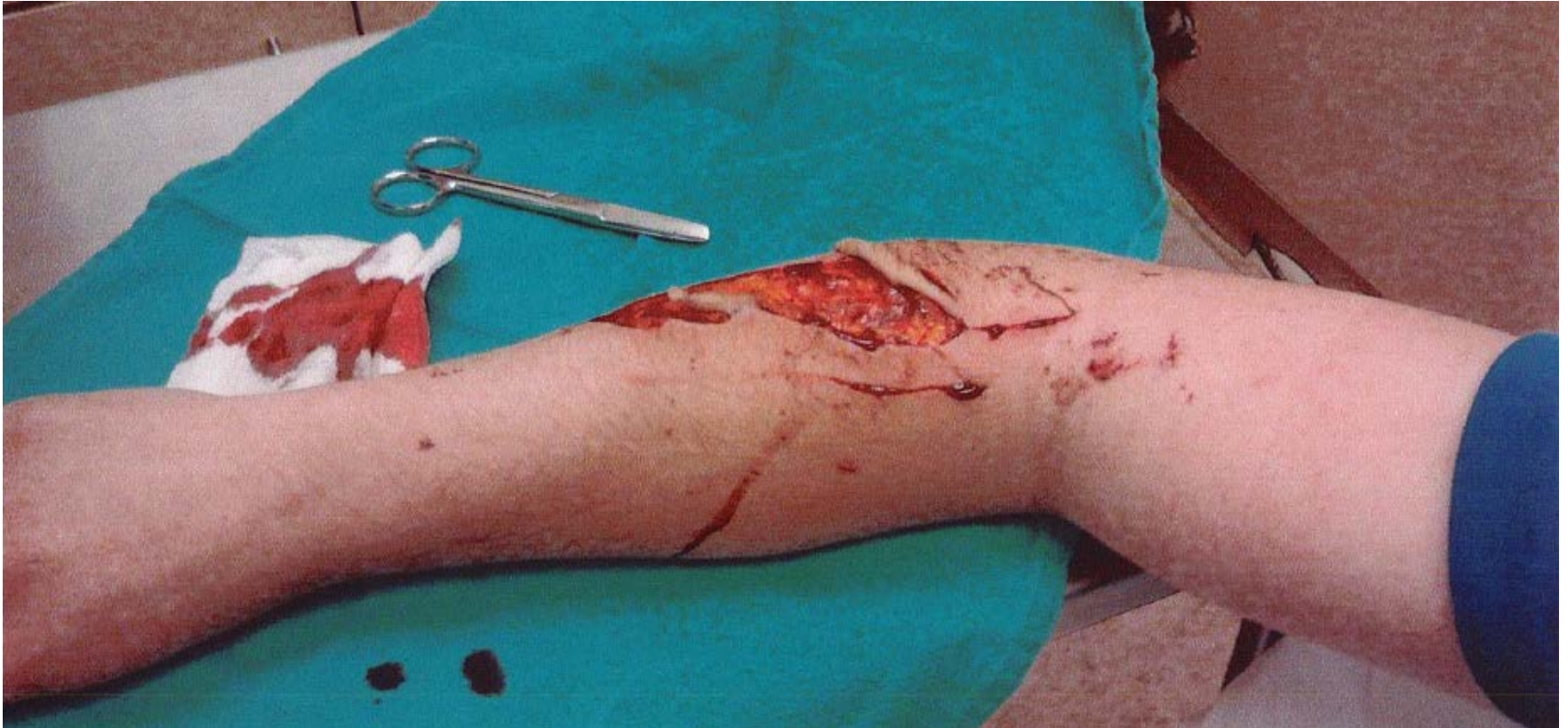
WARNING !!!

Next few photos are not for the faint-hearted!

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NEW

Legislation / Regulations / Standards

- CGSB released a revised standard applying to all safety glazing materials and withdrew its wired-safety-glass standard
- CAN/CGSB 12.1-2017 will be the referenced safety glazing standard in the next version of the *NBCC (likely published in 2020)*:
 - Traditional wired glass will no longer be permitted in fire-rated glazing applications such as doors and sidelights, and should not be used in any location where impact safety is a concern.

NEW

Legislation / Regulations / Standards

- the NBCC is only used for new builds and extensive renovations, and the change wouldn't be enforceable until the provincial building codes adopt them into legislation.
- OBC not yet revised
- Retrofitting is NOT yet required and is not likely to be required by legislation

Legal Implications

- Legal Implications
 - from a legal point of view, these cases will be even harder to defend because the standard of care analysis will have shifted even further away from wired glass

Solutions For Existing Installations

- Replacement
 - Use a safety algorithm to determine which need/don't need wired glass
 - Outside doors
 - High volume doors
 - Other doors
 - Windows
- Laminate film
- External wire cage

Risk Management

- Risk Management and what to do in the case of an incident:
 - Attend to injury (first aid, ambulance)
 - Record contemporaneous witness statements (witnesses to incident and/or attending to injury)
 - Photograph incident site (all angles of door, frame and broken glass)
 - Preserve the broken glass
 - Inspection/Report by third party re: door frame before replacing glass pane
 - Review CGSB and/or OBC requirements re: replacement glass

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