

Legislative  
Assembly  
of Ontario



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# Bill 88

**An Act to amend the Occupational Health and Safety Act  
to provide safety measures in respect of workers at gas stations**

**Mr. D. Anand**

**Private Member's Bill**

1st Reading      March 29, 2023

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill amends the *Occupational Health and Safety Act* to add a new section 53.2 requiring employers at gas stations to require customers to prepay for gasoline before pumping it from a gasoline pump that has prepayment technology (technology that can prevent a person from taking gasoline from the pump before paying for it).

The new section applies to gas stations in the Greater Toronto Area (the geographic area composed of the City of Toronto and the regional municipalities of Durham, Halton, Peel and York). It also applies in any municipality that passes a resolution requesting the application of the section and that is listed in a regulation made under the Act.

The new section also requires the employer at the station to affix a notice to any pumps with prepayment technology informing customers of the prepayment requirements under the section, as well as to provide worker safety training to those of its workers involved in selling gasoline at the station. The owner of the gas station must ensure that any new or replacement gasoline pumps that are installed at the station have prepayment technology.

The application of the new section in a municipality is phased: there is a six-month window before any requirements begin to apply, and for the first year after that, the requirement that employers ensure that customers prepay for gasoline before pumping it applies only to gasoline sold between the hours of 9 p.m. to 6 a.m.

**An Act to amend the Occupational Health and Safety Act  
to provide safety measures in respect of workers at gas stations**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 The *Occupational Health and Safety Act* is amended by adding the following section:**

**Gas stations**

**25.3** (1) In this section,

“gasoline” has the same meaning as in the *Gasoline Tax Act*, but does not include aviation fuel, leaded gasoline or propane; (“essence”)

“gas station” means a retail outlet at which gasoline is sold and pumped into the fuel tanks of motor vehicles; (“station-service”)

“prepayment technology” means, in relation to a gasoline pump, technology that can prevent a person from taking gasoline from the pump before paying for it. (“technologie de prépaiement”)

**Application in municipalities**

(2) This section applies with respect to every gas station located in,

- (a) the geographic area composed of the City of Toronto and the regional municipalities of Durham, Halton, Peel and York; or
- (b) a municipality that passes a resolution requesting the application of this section in the municipality and that is prescribed for the purposes of this clause.

**Application to be phased**

(3) The application of this section to gas stations in a municipality is subject to the following qualifications:

- 1. This section begins to apply to gas stations in a municipality only on and after the day that is,
  - i. in the case of a municipality included in clause (2) (a), six months after the day that section 1 of the *Protecting Ontarians by Enhancing Gas Station Safety to Prevent Gas and Dash Act, 2023* comes into force, or
  - ii. in the case of a municipality prescribed for the purposes of clause (2) (b), six months after the day on which the regulation prescribing the municipality comes into force.
- 2. During the first year in which this section begins to apply to gas stations in a municipality, subsection (4) applies only with respect to gasoline sold between the hours of 9 p.m. to 6 a.m.

**Requirement to prepay**

(4) An employer at a gas station shall require a customer to pay for gasoline sold at the gas station before it is pumped, if it is pumped using a gasoline pump with prepayment technology.

**Notice on gasoline pumps**

(5) An employer at a gas station shall affix to each gasoline pump with prepayment technology a notice informing customers of the prepayment requirements of subsection (4), in such manner as may be prescribed.

**Safety training**

(6) An employer at a gas station that has any gasoline pumps with prepayment technology shall provide training about worker safety in accordance with the prescribed requirements to workers involved in the sale of gasoline at the station.

**New or replacement gasoline pumps**

(7) An owner of a gas station shall ensure that any gasoline pump installed at the station on or after the day this section applies with respect to the station has prepayment technology.

**2 Subsection 70 (2) of the Act is amended by adding the following paragraph:**

43.2 for the purposes of section 25.3,

- i. prescribing municipalities that have passed a resolution requesting the application of the section for the purposes of clause 25.3 (2) (b), including removing prescribed municipalities that subsequently pass a resolution requesting the non-application of the section,
- ii. governing notices and the affixing of notices under subsection 25.3 (5),
- iii. governing training to be provided under subsection 25.3 (6), including when and how often it must be provided, and
- iv. providing for any transitional matters that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of section 25.3, including requiring an employer at a gas station to post notices informing customers of the prepayment requirements under subsection 25.3 (5) before the section begins to apply with respect to the station, despite subsection 25.3 (3);

**Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**4 The short title of this Act is the *Protecting Ontarians by Enhancing Gas Station Safety to Prevent Gas and Dash Act, 2023*.**