

C174 - Prevention of Major Industrial Accidents Convention, 1993

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 80th Session on 2 June 1993, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Occupational Safety and Health Convention and Recommendation, 1981, and the Chemicals Convention and Recommendation, 1990, and stressing the need for a global and coherent approach, and

Noting also the ILO Code of practice on the Prevention of major industrial accidents, published in 1991, and

Having regard to the need to ensure that all appropriate measures are taken to:

- a) prevent major accidents;
- b) minimize the risks of major accidents;
- c) minimize the effects of major accidents, and

Considering the causes of such accidents including organizational errors, the human factor, component failures, deviation from normal operational conditions, outside interference and natural forces, and

Having regard to the need for cooperation, within the International Programme on Chemical Safety, between the International Labour Organization, the United Nations Environment Programme and the World Health Organization, as well as with other relevant intergovernmental organizations, and

Having decided upon the adoption of certain proposals with regard to the prevention of major industrial accidents, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-second day of June of the year one thousand nine hundred and ninety-three the following Convention, which may be cited as the Prevention of Major Industrial Accidents Convention, 1993.

PART I. SCOPE AND DEFINITIONS

Article 1

1. The purpose of this Convention is the prevention of major accidents involving hazardous substances and the limitation of the consequences of such accidents.
2. This Convention applies to major hazard installations.
3. This Convention does not apply to:
 - a) nuclear installations and plants processing radioactive substances except for facilities handling non-radioactive substances at these installations;
 - b) military installations;
 - c) transport outside the site of an installation other than by pipeline.
4. A Member ratifying this Convention may, after consulting the representative organizations of employers and workers concerned and other interested parties who may be affected, exclude from the application of the Convention installations or branches of economic activity for which equivalent protection is provided.

Article 2

Where special problems of a substantial nature arise so that it is not immediately possible to implement all the preventive and protective measures provided for in this Convention, a Member shall draw up plans, in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, for the progressive implementation of the said measures within a fixed time-frame.

Article 3

For the purposes of this Convention:

- a) the term **hazardous substance** means a substance or mixture of substances which by virtue of chemical, physical or toxicological properties, either singly or in combination, constitutes a hazard;
- b) the term **threshold quantity** means for a given hazardous substance or category of substances that quantity, prescribed in national laws and regulations by reference to specific conditions, which if exceeded identifies a major hazard installation;

- c) the term **major hazard installation** means one which produces, processes, handles, uses, disposes of or stores, either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed the threshold quantity;
- d) the term **major accident** means a sudden occurrence - such as a major emission, fire or explosion - in the course of an activity within a major hazard installation, involving one or more hazardous substances and leading to a serious danger to workers, the public or the environment, whether immediate or delayed;
- e) the term **safety report** means a written presentation of the technical, management and operational information covering the hazards and risks of a major hazard installation and their control and providing justification for the measures taken for the safety of the installation;
- f) the term **near miss** means any sudden event involving one or more hazardous substances which, but for mitigating effects, actions or systems, could have escalated to a major accident.

PART II. GENERAL PRINCIPLES

Article 4

1. In the light of national laws and regulations, conditions and practices, and in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, each Member shall formulate, implement and periodically review a coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents.
2. This policy shall be implemented through preventive and protective measures for major hazard installations and, where practicable, shall promote the use of the best available safety technologies.

Article 5

1. The competent authority, or a body approved or recognized by the competent authority, shall, after consulting the most representative organizations of employers and workers and other interested parties who may be affected, establish a system for the identification of major hazard installations as defined in Article 3 (c), based on a list of hazardous substances or of categories of hazardous substances or of both, together with their respective threshold quantities, in accordance with national laws and regulations or international standards.
2. The system mentioned in paragraph 1 above shall be regularly reviewed and updated.

Article 6

The competent authority, after consulting the representative organizations of employers and workers concerned, shall make special provision to protect confidential information transmitted or made available to it in accordance with Articles 8, 12, 13 or 14, whose disclosure would be liable to cause harm to an employer's business, so long as this provision does not lead to serious risk to the workers, the public or the environment.

PART III. RESPONSIBILITIES OF EMPLOYERS

IDENTIFICATION

Article 7

Employers shall identify any major hazard installation within their control on the basis of the system referred to in Article 5.

NOTIFICATION

Article 8

1. Employers shall notify the competent authority of any major hazard installation which they have identified:
 - a) within a fixed time-frame for an existing installation;
 - b) before it is put into operation in the case of a new installation.
2. Employers shall also notify the competent authority before any permanent closure of a major hazard installation.

ARRANGEMENTS AT THE LEVEL OF THE INSTALLATION

Article 9

In respect of each major hazard installation employers shall establish and maintain a documented system of major hazard control which includes provision for:

- a) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;
- b) technical measures, including design, safety systems, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation;
- c) organizational measures, including training and instruction of personnel, the provision of equipment in order to ensure their safety, staffing levels, hours of work, definition of

responsibilities, and controls on outside contractors and temporary workers on the site of the installation;

- d) emergency plans and procedures, including:
 - i. the preparation of effective site emergency plans and procedures, including emergency medical procedures, to be applied in case of major accidents or threat thereof, with periodic testing and evaluation of their effectiveness and revision as necessary;
 - ii. the provision of information on potential accidents and site emergency plans to authorities and bodies responsible for the preparation of emergency plans and procedures for the protection of the public and the environment outside the site of the installation;
 - iii. any necessary consultation with such authorities and bodies;
- e) measures to limit the consequences of a major accident;
- f) consultation with workers and their representatives;
- g) improvement of the system, including measures for gathering information and analysing accidents and near misses. The lessons so learnt shall be discussed with the workers and their representatives and shall be recorded in accordance with national law and practice.

SAFETY REPORT

Article 10

1. Employers shall prepare a safety report based on the requirements of Article 9.
2. The report shall be prepared:
 - a) in the case of existing major hazard installations, within a period after notification prescribed by national laws or regulations;
 - b) in the case of any new major hazard installation, before it is put into operation.

Article 11

Employers shall review, update and amend the safety report:

- a) in the event of a modification which has a significant influence on the level of safety in the installation or its processes or in the quantities of hazardous substances present;
- b) when developments in technical knowledge or in the assessment of hazards make this appropriate;

- c) at intervals prescribed by national laws or regulations;
- d) at the request of the competent authority.

Article 12

Employers shall transmit or make available to the competent authority the safety reports referred to in Articles 10 and 11.

ACCIDENT REPORTING

Article 13

Employers shall inform the competent authority and other bodies designated for this purpose as soon as a major accident occurs.

Article 14

1. Employers shall, within a fixed time-frame after a major accident, present a detailed report to the competent authority containing an analysis of the causes of the accident and describing its immediate on-site consequences, and any action taken to mitigate its effects.
2. The report shall include recommendations detailing actions to be taken to prevent a recurrence.

PART IV. RESPONSIBILITIES OF COMPETENT AUTHORITIES

OFF-SITE EMERGENCY PREPAREDNESS

Article 15

Taking into account the information provided by the employer, the competent authority shall ensure that emergency plans and procedures containing provisions for the protection of the public and the environment outside the site of each major hazard installation are established, updated at appropriate intervals and coordinated with the relevant authorities and bodies.

Article 16

The competent authority shall ensure that:

- a) information on safety measures and the correct behaviour to adopt in the case of a major accident is disseminated to members of the public liable to be affected by a major accident without their having to request it and that such information is updated and redisseminated at appropriate intervals;
- b) warning is given as soon as possible in the case of a major accident;

- c) where a major accident could have transboundary effects, the information required in (a) and (b) above is provided to the States concerned, to assist in cooperation and coordination arrangements.

SITING OF MAJOR HAZARD INSTALLATIONS

Article 17

The competent authority shall establish a comprehensive siting policy arranging for the appropriate separation of proposed major hazard installations from working and residential areas and public facilities, and appropriate measures for existing installations. Such a policy shall reflect the General Principles set out in Part II of the Convention.

INSPECTION

Article 18

1. The competent authority shall have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess, and advise on the matters dealt with in this Convention and to ensure compliance with national laws and regulations.
2. Representatives of the employer and representatives of the workers of a major hazard installation shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 19

The competent authority shall have the right to suspend any operation which poses an imminent threat of a major accident.

PART V. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

Article 20

The workers and their representatives at a major hazard installation shall be consulted through appropriate cooperative mechanisms in order to ensure a safe system of work. In particular, the workers and their representatives shall:

- a) be adequately and suitably informed of the hazards associated with the major hazard installation and their likely consequences;

- b) be informed of any orders, instructions or recommendations made by the competent authority;
- c) be consulted in the preparation of, and have access to, the following documents:
 - i. (i) the safety report;
 - ii. (ii) emergency plans and procedures;
 - iii. (iii) accident reports;
- d) be regularly instructed and trained in the practices and procedures for the prevention of major accidents and the control of developments likely to lead to a major accident and in the emergency procedures to be followed in the event of a major accident;
- e) within the scope of their job, and without being placed at any disadvantage, take corrective action and if necessary interrupt the activity where, on the basis of their training and experience, they have reasonable justification to believe that there is an imminent danger of a major accident, and notify their supervisor or raise the alarm, as appropriate, before or as soon as possible after taking such action;
- f) discuss with the employer any potential hazards they consider capable of generating a major accident and have the right to notify the competent authority of those hazards.

Article 21

Workers employed at the site of a major hazard installation shall:

- a) comply with all practices and procedures relating to the prevention of major accidents and the control of developments likely to lead to a major accident within the major hazard installation;
- b) comply with all emergency procedures should a major accident occur.

PART VI. RESPONSIBILITY OF EXPORTING STATES

Article 22

When, in an exporting member State, the use of hazardous substances, technologies or processes is prohibited as a potential source of a major accident, the information on this prohibition and the reasons for it shall be made available by the exporting member State to any importing country.

PART VII. FINAL PROVISIONS

Article 23

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 25

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 26

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 27

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciations registered by him in accordance with the provisions of the preceding Articles.

Article 28

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides
 - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 25 above, if and when the new revising Convention shall have come into force;
 - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The English and French versions of the text of this Convention are equally authoritative.