

No. 33639

MULTILATERAL

Convention (No. 174) concerning the prevention of major industrial accidents. Adopted by the General Conference of the International Labour Organisation at its eightieth session, Geneva, 22 June 1993

Authentic texts: English and French.

Registered by the International Labour Organisation on 25 March 1997.

MULTILATÉRAL

Convention (n° 174) concernant la prévention des accidents industriels majeurs. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quatre-vingtième session, Genève, 22 juin 1993

Textes authentiques : anglais et français.

Enregistrée par l'Organisation internationale du Travail le 25 mars 1997.

CONVENTION¹ CONCERNING THE PREVENTION OF MAJOR INDUSTRIAL ACCIDENTS

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, 1981,² and the Chemicals Convention and Recommendation, 1990,³ 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.

¹ Came into force on 3 January 1997, in accordance with article 24:

Participant

Armenia
 Sweden

*Date of deposit
 of the instrument
 of ratification*

3 January 1996
 21 December 1994

² United Nations, *Treaty Series*, vol. 1331, p. 279.

³ *Ibid.*, vol. 1753, No. I-30609.

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;