

INTERNATIONAL LABOUR OFFICE GENEVA

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# REPORT FORM

## FOR THE

# PREVENTION OF MAJOR INDUSTRIAL ACCIDENTS CONVENTION, 1993 (No. 174)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

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### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

#### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

(c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Standards.

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## Article 22 of the Constitution of the ILO

Report for the period ..... to .....  
made by the Government of .....

on the

### PREVENTION OF MAJOR INDUSTRIAL ACCIDENTS CONVENTION, 1993 (No. 174)

(ratification registered on .....)

- I. Please give a list of the legislation and administrative regulations, etc. which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.**

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, or other measures, which give effect to each Article.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps, such as measures to define its exact scope and to institute the practical arrangements and procedures required for its implementation.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

#### 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.

*Paragraph 1. Please indicate the provisions which ensure that the Convention applies to major hazard installations, including transport by pipelines outside the site of such installations.*

*Paragraph 2. If recourse has been made to paragraph 4, please indicate:*

- (a) *the installations or branches of economic activity excluded from the application of the Convention and the reasons for the exclusion;*
- (b) *the manner in which the representative organizations of employers and workers concerned and other interested parties who may be affected were consulted; and*
- (c) *the measures taken to provide equivalent protection to workers in the excluded installations or branches.*

## 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.

*If recourse has been made to this Article, please indicate:*

- (a) *any special problems which may have been identified;*
- (b) *the plans for progressive implementation of measures provided for in the Convention;*
- (c) *the manner in which the representative organizations of employers and workers concerned, as well as other interested parties who may be affected, were consulted in drawing up the plans referred to in (a) above.*

## 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.

*Paragraph 1. Please indicate the relevant national laws or regulations, conditions or practices which have been taken into consideration.*

*Paragraph 2. Please indicate the measures taken to formulate, implement and periodically review the national policy provided for in this Article.*

*Paragraph 3. Please describe the manner in which the most representative organizations of employers and workers and other interested parties who may be affected are consulted in this regard.*

### 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.

*Paragraph 1. Please specify the competent authority, or the body approved or recognized by the competent authority, referred to in paragraph 1.*

*Paragraph 2. Please give particulars of the system established for the identification of major hazard installations and indicate the manner in which the most representative organizations of employers and workers, and other interested parties who may be affected, were consulted. Please include a list of the hazardous substances or categories of hazardous substances, or both, together with their respective threshold quantities.*

*Paragraph 3. Please describe the measures taken to ensure regular review and updating of the system mentioned in paragraph 1 of this Article.*

## 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.

*Please indicate the special provisions made for the protection of the confidential information referred to in this Article and describe the manner in which the representative organizations of employers and workers concerned were consulted in this regard.*

## 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.

*Please specify the fixed time-frame and the procedures for the notification referred to in this Article.*

### 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.

*Paragraph 1. Please indicate the requirements established for the institution of a documented system of major hazard control.*

*Paragraph 2. Please describe the provisions governing the periodic testing and evaluation of site emergency plans.*

*Paragraph 3. Please describe how effect is given to subparagraphs (d), (e) and (f) of this Article.*

*Paragraph 4. In subsequent reports, please indicate how effect is given to subparagraph (g) concerning the improvement of the system referred to in this Article.*

#### 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.

*Please indicate how effect is given to Articles 10 to 12.*

#### 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.

*Please indicate how effect is given to Articles 13 and 14.*

### 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.

*Please indicate how effect is given to this Article.*

#### 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.

*Paragraph 1. Please describe the provisions for ensuring that the information referred to in subparagraph (a) is disseminated, updated and redisseminated to members of the public liable to be affected by a major accident.*

*Paragraph 2. Please indicate how effect is given to subparagraphs (b) and (c) of this Article.*

#### 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.

*Please indicate the legislation or other provisions adopted to give effect to the siting policy called for by this Article.*

#### 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.

*Paragraph 1. Please supply information on the organization and functioning of the inspection services which ensure compliance with national laws and regulations in relation to this Convention.*

*Paragraph 2. Please indicate how effect is given to paragraph 2 of this Article.*

### Article 19

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

*Please indicate the provisions which give effect to this Article.*

## 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) the safety report;
  - (ii) emergency plans and procedures;
  - (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.

*Please indicate the legislative and/or practical measures taken to give effect to the various subparagraphs of this Article.*

### 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.

*Please indicate how effect is given to this Article.*

## 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.

*Please indicate the legislative or other provisions adopted, including their coverage, to ensure the collection and communication of the information referred to in this Article.*

- III. Please state to what authority or authorities the application of the above-mentioned legislation, administrative regulations, etc., is entrusted, and by what methods such application is supervised.
- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply — insofar as the information in question has not already been supplied in connection with other questions in this form — extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explains the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention, or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

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<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."



## APPENDIX

### RECOMMENDATION CONCERNING THE PREVENTION OF MAJOR INDUSTRIAL ACCIDENTS

1. The provisions of this Recommendation should be applied in conjunction with those of the Prevention of Major Industrial Accidents Convention, 1993 (hereafter referred to as "the Convention").

2. (1) The International Labour Organization, in cooperation with other relevant international intergovernmental and non-governmental organizations, should arrange for an international exchange of information on:

- a) good safety practices in major hazard installations including safety management and process safety;
- b) major accidents;
- c) lessons drawn from near misses;
- d) technologies and processes that are prohibited for reasons of safety and health;
- e) medical organization and techniques for dealing with the aftermath of a major accident;
- f) the mechanisms and procedures used by competent authorities to give effect to the implementation of the Convention and this Recommendation.

(2) Members should, as far as possible, communicate information on the matters listed in subparagraph (1) above to the International Labour Office.

3. The national policy provided for in the Convention and the national laws and regulations or other measures to implement it should, as appropriate, be guided by the ILO Code of Practice on the Prevention of Major Industrial Accidents, published in 1991.

4. Members should develop policies aimed at addressing the major accident risks, hazards and their consequences within the sectors and activities excluded from the scope of the Convention by virtue of Article 1, paragraph 3, thereof.

5. Recognizing that a major accident could have serious consequences in terms of its impact on human life and the environment, Members should encourage the establishment of systems to compensate workers as quickly as possible after the event and adequately address the effects on the public and the environment.

6. In accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, a national or multinational enterprise with more than one establishment should provide safety measures relating to the prevention of major accidents and the control of developments likely to lead to a major accident, without discrimination, to the workers in all its establishments, regardless of the place or country in which they are situated.