

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**GUARDING OF MACHINERY
CONVENTION, 1963 (No. 119)**

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."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

GENEVA

1980

REPORT

for the period to , made by the Government of
. , in accordance with article 22 of the
Constitution of the International Labour Organisation, on the measures taken to give
effect to the provisions of the

GUARDING OF MACHINERY CONVENTION, 1963

ratification of which was 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 of, 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 legislation and administrative regulations, etc., or other measures, under which each Article is applied.

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 for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations 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. GENERAL PROVISIONS

Article 1

1. All power-driven machinery, new or second-hand, shall be considered as machinery for the purpose of the application of this Convention.

2. The competent authority in each country shall determine whether and how far machinery, new or second-hand, operated by manual power presents a risk of injury to the worker and shall be considered as machinery for the purpose of the application of this Convention. Such decisions shall be taken after consultation with the most representative organisations of employers and workers concerned. The initiative for such consultation can be taken by any such organisation.

3. The provisions of this Convention—

- (a) apply to road and rail vehicles during locomotion only in relation to the safety of the operator or operators;
- (b) apply to mobile agricultural machinery only in relation to the safety of workers employed in connection with such machinery.

Please supply copies of all decisions taken in accordance with paragraph 2 of this Article or indicate the relevant legislation giving effect to such decisions, and give particulars of the consultations which have taken place in relation to such decisions with the organisations of employers and workers concerned.

PART II. SALE, HIRE, TRANSFER IN ANY OTHER MANNER AND EXHIBITION

Article 2

1. The sale and hire of machinery of which the dangerous parts specified in paragraphs 3 and 4 of this Article are without appropriate guards shall be prohibited by national laws or regulations or prevented by other equally effective measures.

2. The transfer in any other manner and exhibition of machinery of which the dangerous parts specified in paragraphs 3 and 4 of this Article are without appropriate guards shall, to such extent as the competent authority may determine, be prohibited by national laws or regulations or prevented by other equally effective measures: Provided that during the exhibition of machinery the temporary removal of the guards in order to demonstrate the machinery shall not be deemed to be an infringement of this provision as long as appropriate precautions to prevent danger to persons are taken.

3. All set-screws, bolts and keys and, to the extent prescribed by the competent authority, other projecting parts of any moving part of machinery also liable to present danger to any person coming into contact with them when they are in motion, shall be so designed, sunk or protected as to prevent such danger.

4. All flywheels, gearing, cone and cylinder friction drives, cams, pulleys, belts, chains, pinions, worm gears, crank arms and slide blocks and, to the extent prescribed by the competent authority, shafting (including the journal ends) and other transmission machinery also liable to present danger to any person coming into contact with them when they are in motion, shall be so designed or protected as to prevent such danger. Controls also shall be so designed or protected as to prevent danger.

Where the provisions of this Convention are to be enforced wholly or partly by "equally effective measures" other than by national laws or regulations, please indicate the nature of these measures.

Article 3

1. The provisions of Article 2 do not apply to machinery or dangerous parts thereof specified in that Article which—

- (a) are, by virtue of their construction, as safe as if they were guarded by appropriate safety devices; or
- (b) are intended to be so installed or placed that, by virtue of their installation or position, they are as safe as if they were guarded by appropriate safety devices.

2. The prohibition of the sale, hire, transfer in any other manner or exhibition of machinery provided for in paragraphs 1 and 2 of Article 2 does not apply to machinery by reason only of the machinery being so designed that the requirements of paragraphs 3 and 4 of that Article are not fully complied with during maintenance, lubrication, setting-up and adjustment, if such operations can be carried out in conformity with accepted standards of safety.

3. The provisions of Article 2 do not prohibit the sale or transfer in any other manner of machinery for storage, scrapping or reconditioning, but such machinery shall not be sold, hired, transferred in any other manner or exhibited after storage or reconditioning unless protected in conformity with the said provisions.

Article 4

The obligation to ensure compliance with the provisions of Article 2 shall rest on the vendor, the person letting out on hire or transferring the machinery in any other manner, or the exhibitor and, where appropriate under national laws or regulations, on their respective agents. This obligation shall rest on the manufacturer when he sells machinery, lets it out on hire, transfers it in any other manner or exhibits it.

Article 5

1. Any Member may provide for a temporary exemption from the provisions of Article 2.

2. The duration of such temporary exemption, which shall in no case exceed three years from the coming into force of the Convention for the Member concerned, and any other conditions relating thereto, shall be prescribed by national laws or regulations or determined by other equally effective measures.

3. In the application of this Article the competent authority shall consult the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

Please give detailed information regarding any exemptions which may have been made under this Article, and supply copies of any laws, regulations, etc., issued for this purpose.

Please also give information as to the consultations in this regard with the organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

PART III. USE

Article 6

1. The use of machinery any dangerous part of which, including the point of operation, is without appropriate guards shall be prohibited by national laws or regulations or prevented by other equally effective measures. Provided that where this prohibition cannot fully apply without preventing the use of the machinery it shall apply to the extent that the use of the machinery permits.

2. Machinery shall be so guarded as to ensure that national regulations and standards of occupational safety and hygiene are not infringed.

If the prohibition of the use of unguarded machinery mentioned in paragraph 1 of this Article is not laid down by national laws or regulations, please supply detailed particulars of the other equally effective measures which prevent such use.

Please indicate the national regulations and the principal standards of occupational safety and hygiene which, in accordance with paragraph 2 of this Article, must be respected in the guarding of machinery.

Article 7

The obligation to ensure compliance with the provisions of Article 6 shall rest on the employer.

Article 8

1. The provisions of Article 6 do not apply to machinery or parts thereof which, by virtue of their construction, installation or position, are as safe as if they were guarded by appropriate safety devices.

2. The provisions of Article 6 and Article 11 do not prevent the maintenance, lubrication, setting-up or adjustment of machinery or parts thereof carried out in conformity with accepted standards of safety.

Article 9

1. Any Member may provide for a temporary exemption from the provisions of Article 6.

2. The duration of such temporary exemption, which shall in no case exceed three years from the coming into force of the Convention for the Member concerned, and any other conditions relating thereto, shall be prescribed by national laws or regulations or determined by other equally effective measures.

3. In the application of this Article the competent authority shall consult the most representative organisations of employers and workers concerned.

Please give detailed information regarding any exemptions which have been made under this Article, and supply copies of any laws, regulations, etc., issued for this purpose.

Please also give information as to the consultations in this regard with the organisations of employers and workers concerned.

Article 10

1. The employer shall take steps to bring national laws or regulations relating to the guarding of machinery to the notice of workers and shall instruct them, as and where appropriate, regarding the dangers arising and the precautions to be observed in the use of machinery.

2. The employer shall establish and maintain such environmental conditions as not to endanger workers employed on machinery covered by this Convention.

Please indicate the steps which employers must take to bring the national laws or regulations relating to the guarding of machinery to the notice of workers and to instruct them regarding the dangers arising and the precautions to be observed in the use of machinery.

Please also indicate the principal requirements as to the environmental conditions which employers are required to establish and maintain in accordance with paragraph 2 of this Article.

Article 11

1. No worker shall use any machinery without the guards provided being in position, nor shall any worker be required to use any machinery without the guards provided being in position.

2. No worker using machinery shall make inoperative the guards provided, nor shall such guards be made inoperative on any machinery to be used by any worker.

Article 12

The ratification of this Convention shall not affect the rights of workers under national social security or social insurance legislation.

Article 13

The provisions of this Part of this Convention relating to the obligations of employers and workers shall, if and in so far as the competent authority so determines, apply to self-employed workers.

Please indicate if the provisions of Part III of the Convention relating to the obligations of employers and workers apply to self-employed persons and, if so, to what extent.

Article 14

The term "employer" for the purpose of this Part of this Convention includes, where appropriate under national laws or regulations, a prescribed agent of the employer.

PART IV. MEASURES OF APPLICATION

Article 15

1. All necessary measures, including the provision of appropriate penalties, shall be taken to ensure the effective enforcement of the provisions of this Convention.

2. Each Member which ratifies this Convention undertakes to provide appropriate inspection services for the purpose of supervising the application of the provisions of the Convention, or to satisfy itself that appropriate inspection is carried out.

Please indicate the measures taken in conformity with the provisions of paragraph 1 of this Article.

Please give details of the inspection services provided for the purpose of supervising the provisions of the Convention or of the steps taken to ensure that appropriate inspection is carried out; in the latter case, please indicate the nature of the inspection arrangements.

Article 16

Any national laws or regulations giving effect to the provisions of this Convention shall be made by the competent authority after consultation with the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

Please give information as to the consultations with the organisations of employers and workers concerned and, as appropriate, manufacturers' organisations concerning the relevant national laws or regulations.

PART V. SCOPE

Article 17

1. The provisions of this Convention apply to all branches of economic activity unless the Member ratifying the Convention specifies a more limited application by a declaration appended to its ratification.

2. In cases where a declaration specifying a more limited application is made—

- (a) the provisions of the Convention shall be applicable as a minimum to undertakings or branches of economic activity in respect of which the competent authority, after consultation with the labour inspection services and with the most representative organisations of employers and workers concerned, determines that machinery is extensively used; the initiative for such consultation can be taken by any such organisation;
- (b) the Member shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards wider application of the provisions of this Convention.

3. Any Member which has made a declaration in pursuance of paragraph 1 of this Article may at any time cancel that declaration in whole or in part by a subsequent declaration.

If a declaration pursuant to this Article is in force, please indicate any progress which had been made with a view to wider application of the provisions of the Convention.

- III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.**
- 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 including, for instance, extracts from official reports and information on any practical difficulties in the application of the Convention.**
- VI. Please indicate the representative organisations 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 Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

Please indicate whether you have received from the organisations 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 the observations received, together with any comments that you consider useful.

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

ANNEX

RECOMMENDATION CONCERNING THE GUARDING OF MACHINERY, 1963

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-seventh Session on 5 June 1963, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the sale, hire and use of inadequately guarded machinery, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Guarding of Machinery Convention, 1963,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-three the following Recommendation, which may be cited as the Guarding of Machinery Recommendation, 1963:

I. MANUFACTURE, SALE, HIRE, TRANSFER IN ANY OTHER MANNER AND EXHIBITION

1. (1) The manufacture, sale, hire, and, to such extent as the competent authority may determine, the transfer in any other manner and exhibition of specified types of machinery should be prohibited by national laws or regulations or prevented by other equally effective measures when this machinery, as defined in Article 1 of the Guarding of Machinery Convention, 1963, comprises, in addition to the parts specified in Article 2 thereof, dangerous working parts (at the point of operation) which are without appropriate guards.

(2) The provisions of subparagraph (1) of this Paragraph and of Paragraph 2 should be considered in the design of the machinery in question.

(3) The types of machinery referred to in subparagraph (1) should be specified by national laws or regulations or other equally effective measures.

2. In specifying the types of machinery covered by Paragraph 1 account should also be taken of the following provisions:

- (a) all working parts of machinery which, while in operation, may produce flying particles should be adequately guarded in such a manner as to ensure the safety of the operators;
- (b) all parts of machinery which are under dangerous electrical pressure should be protected in such a manner as to give complete protection to the workers;
- (c) wherever possible, automatic safeguards should protect persons when machinery is being started, is in operation or is being stopped;
- (d) machinery should be so constructed as to exclude as far as possible any dangers other than those specified in this Paragraph to which a person working on the machines may be exposed, taking account of the nature of the materials or the type of danger.

3. (1) The provisions of Paragraph 1 do not apply to machinery or working parts thereof specified in that Paragraph which—

- (a) are, by virtue of their construction, as safe as if they were guarded by appropriate safety devices; or

- (b) are intended to be so installed or placed that, by virtue of their installation or position, they are as safe as if they were guarded by appropriate safety devices.

(2) The prohibition of the manufacture, sale, hire, transfer in any other manner, or exhibition of machinery provided for in Paragraph 1 does not apply to machinery by reason only of the machinery being so designed that the requirements of that Paragraph concerning guarding are not fully complied with during maintenance, lubrication, setting-up and adjustment, if such operations can be carried out in conformity with accepted standards of safety.

(3) The provisions of Paragraph 1 do not prohibit the sale or transfer in any other manner of machinery for storage, scrapping or reconditioning, but such machinery should not be sold, hired, transferred in any other manner or exhibited after storage or reconditioning unless protected in conformity with the said provisions.

4. The obligation to ensure compliance with the provisions of Paragraph 1 should rest on the manufacturer, the vendor, the person letting out on hire or transferring the machinery in any other manner, or the exhibitor, and, where appropriate under national laws or regulations, their respective agents.

5. (1) Any Member may provide for a temporary exemption from the provisions of Paragraph 1.

(2) The duration of such temporary exemption, which should in no case exceed three years, and any other conditions relating thereto, should be prescribed by national laws or regulations or determined by other equally effective measures.

(3) In the application of this Paragraph the competent authority should consult the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

6. Any operating instructions for machinery should be based on safe methods of operation.

II. USE

7. (1) The use of machinery any dangerous part of which, including the point of operation, is without appropriate guards should be prohibited by national laws or regulations or prevented by other equally effective measures: Provided that where this prohibition cannot fully apply without preventing the use of the machinery it should apply to the extent that the use of the machinery permits.

(2) Machinery should be so guarded as to ensure that national regulations and standards of occupational safety and hygiene are not infringed.

8. The obligation to ensure compliance with the provisions of Paragraph 7 should rest on the employer.

9. (1) The provisions of Paragraph 7 do not apply to machinery or parts thereof which, by virtue of their construction, installation or position, are as safe as if they were guarded by appropriate safety devices.

(2) The provisions of Paragraph 7 and Paragraph 12 do not prevent the maintenance, lubrication, setting-up or adjustment of machinery or parts thereof carried out in conformity with accepted standards of safety.

10. (1) Any Member may provide for a temporary exemption from the provisions of Paragraph 7.

(2) The duration of such temporary exemption, which should in no case exceed three years, and any other conditions relating thereto, should be prescribed by national laws or regulations or determined by other equally effective measures.

(3) In the application of this Paragraph the competent authority should consult the most representative organisations of employers and workers concerned.

11. (1) The employer should take steps to bring national laws or regulations relating to the guarding of machinery to the notice of workers and should instruct them, as and where appropriate, regarding the dangers arising and the precautions to be observed in the use of machinery.

(2) The employer should establish and maintain such environmental conditions as not to endanger workers employed on machinery covered by this Recommendation.

12. (1) No worker should use any machinery without the guards provided being in position, nor should any worker be required to use any machinery without the guards provided being in position.

(2) No worker using machinery should make inoperative the guards provided, nor should such guards be made inoperative on any machinery to be used by any worker.

13. The rights of workers under national social security or social insurance legislation should not be affected by the application of this Recommendation.

14. The provisions of this part of this Recommendation relating to the obligations of employers and workers should, if and in so far as the competent authority so determines, be applied to self-employed workers.

15. The term "employer" for the purpose of this part of this Recommendation includes, where appropriate

under national laws and regulations, a prescribed agent of the employer.

III. SCOPE

16. This Recommendation applies to all branches of economic activity.

IV. MISCELLANEOUS PROVISIONS

17. (1) All necessary measures should be taken to ensure the effective enforcement of the provisions of this Recommendation. Such measures should include the fullest possible detailed specification of the means by which machinery or certain types thereof may be regarded as appropriately guarded, provision for effective inspection and provision for appropriate penalties.

(2) Each Member should provide appropriate inspection services for the purpose of supervising the application of this Recommendation, or satisfy itself that appropriate inspection is carried out.

18. (1) Members exporting or importing machinery should enter into bilateral or multilateral arrangements providing for mutual consultation and co-operation concerning the application of the Guarding of Machinery Convention, 1963, and this Recommendation in respect of transactions having an international character for the sale or hire of machinery.

(2) Such arrangements should provide, in particular, for uniformity in occupational safety and hygiene standards relating to machinery.

(3) In making such arrangements, Members should have regard to the relevant Model Codes of Safety Regulations and Codes of Practice published from time to time by the International Labour Office, and to the appropriate standards of international organisations for standardisation.

19. National laws or regulations giving effect to the provisions of this Recommendation should be made by the competent authority after consultation with the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.