

§ 822. - Guarding of Machinery Recommendation, 25 Giugno 1963 n. 118

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.