

No. 7717

INTERNATIONAL LABOUR ORGANISATION

**Convention (No. 119) concerning the guarding of machinery,
adopted by the General Conference of the International
Labour Organisation at its forty-seventh session, Ge-
neva, 25 June 1963**

Official texts: English and French.

Registered by the International Labour Organisation on 26 April 1965.

ORGANISATION INTERNATIONALE DU TRAVAIL

**Convention (n° 119) concernant la protection des machines,
adoptée par la Conférence générale de l'Organisation
internationale du Travail à sa quarante-septième ses-
sion, Genève, 25 juin 1963**

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 26 avril 1965.

No. 7717. CONVENTION (No. 119)¹ CONCERNING THE GUARDING OF MACHINERY, ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTY-SEVENTH SESSION, GENEVA, 25 JUNE 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 an international Convention,

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

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 consul-

¹ In accordance with article 19, the Convention came into force on 21 April 1965, twelve months after the date on which the ratification of two Members of the International Labour Organisation had been registered with the Director-General of the International Labour Office. Thereafter, the Convention shall come into force for any Member twelve months after the date on which its ratification has been registered. The ratifications of the following States were registered with the Director-General of the International Labour Office on the dates indicated :

Guatemala	26 February 1964	Kuwait	23 November 1964
Sierra Leone	21 April 1964	Niger	23 November 1964
Jordan	4 May 1964	Sweden	29 December 1964
Madagascar	1 June 1964	Dominican Republic	9 March 1965
Central African Republic	9 June 1964	Ghana	18 March 1965
Congo (Brazzaville)	23 November 1964	Cyprus	29 March 1965

tation 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.

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.

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.