

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

Although research found no evidence that child labor exists in Montserrat, in 2021, the government made minimal advancement in efforts to prevent the worst forms of child labor. The government issued one-time cash payments to families with children as part of its COVID-19 relief efforts. However, Montserrat is assessed as having made only minimal advancement because it continued to implement a law that delays advancement to prevent the worst forms of child labor. Labor inspectors do not have the authority to conduct unannounced inspections, as they must obtain either the business owner's consent or a search warrant in order to enter a business for the purposes of performing an inspection. The lack of unannounced inspections may leave potential violations of child labor laws and other labor abuses undetected in workplaces. Additionally, the government has not determined by national law or regulation the types of hazardous work prohibited for children. In addition, the law does not prohibit the recruitment of children by non-state armed groups or the use of children in illicit activities.

### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Montserrat. (1) Table 1 provides one key indicator on children's education in Montserrat.

**Table 1. Statistics on Children's Work and Education**




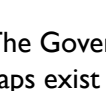


Children	Age	Percent
Primary Completion Rate (%)		96.8

Source for primary completion rate: Data from 2019 published by UNESCO Institute for Statistics, 2022. (2)

### II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories (BOTs) recognize the jurisdiction and sovereignty of the United Kingdom (UK), but are constitutionally not part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (3) Domestic UK law does not generally apply unless explicitly extended to Montserrat. (3) Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. If the Convention is accepted, it is considered applicable to that territory. (3) No key international conventions concerning child labor have been accepted by Montserrat (Table 2).

**Table 2. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	
 ILO C. 182, Worst Forms of Child Labor	
 UN CRC	
 UN CRC Optional Protocol on Armed Conflict	
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
 Palermo Protocol on Trafficking in Persons	

The Government of Montserrat has established laws and regulations related to child labor (Table 3). However, gaps exist in Montserrat's legal framework to adequately protect children from the worst forms of child labor, including failure to criminalize the use of children in illicit activities.

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**Table 3. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	16	Parts 3 and 9 of the Labor Code (4)
Minimum Age for Hazardous Work	Yes	18	Parts 3, 9, and 10 of the Labor Code (4)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Part 9 of the Labor Code (4)
Prohibition of Forced Labor	Yes		Part VIII-A, Sections 138A, 138D, and 202D of the Penal Code; Part IV, No. 55 of the Constitution Order (5,6)
Prohibition of Child Trafficking	Yes		Part VIII-A, Sections 138A–D, and Part XIV-A of the Penal Code (5)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part VIII-A, Sections 138A–B of the Penal Code (5)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 96(8) of the Labor Code (4)
Minimum Age for Voluntary State Military Recruitment	N/A		
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		Articles 3 and 96(8) of the Labor Code (4)
Compulsory Education Age	Yes	16	Chapter II, Part 3 of the Education Act (7)
Free Public Education	Yes		Chapter II, Part 1 of the Education Act (7)

\* Country has no conscription (8)

Children under age 18 may not be employed at night or in occupations designated as hazardous. (4) The Labor Code allows children as young as age 14 to engage in light work; however, Montserrat does not have a list of activities that constitute light work, nor does it specify the conditions under which light work may be undertaken, or limit the number of hours for light work. (4) The Minister of Labor for Montserrat is responsible for deciding what constitutes hazardous work; however, Montserrat has not determined by national law or regulation the types of hazardous work prohibited for children. (4,9) In addition, the law does not criminally prohibit the use of children in illicit activities, or the recruitment of children by non-state armed groups. (4,8,9)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for enforcement actions to address child labor, including its worst forms. However, Montserrat has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 4).

**Table 4. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Department of Labor	Prohibits the employment of children, pursuant to the Labor Code under the Labor Commissioner. (10)
Royal Montserrat Police Service	Enforces the laws of Montserrat, including child labor laws. (11)
Department of Social Services	Employs social workers to work on child protection issues. (12) In 2021, issued one-time cash payments to all families with children as part of COVID-19 relief efforts. (13)

Within the Montserrat Department of Labor, the Labor Officer and Labor Inspector are government employees responsible for conducting labor inspections in accordance with the Labor Code. (9) According to Article 8 of the Labor Code, labor inspectors must obtain either the employer's permission or a search warrant to enter a business for the purposes of performing an inspection. As a result, labor inspectors do not have the authority to conduct unannounced inspections. (4) When a report is made of any form of abuse involving a child, the Department of Social Services conducts an initial social inquiry to attempt to verify the allegation and then works with police to coordinate a response. (9)

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### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor.

### V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor.

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

As there is no evidence of a problem, there appears to be no need for programs to address child labor. However, during the reporting period, the Statistics Department of Montserrat within the Ministry of Finance and Economic Management published the results of a 2020 labor force survey which includes information on working children. However, the survey only targets workers over age 15, and, as such, does not account for children below the minimum age who may be working. (14)

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in Montserrat (Table 5).

**Table 5. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify international conventions on child labor.	2020 – 2021
	Ensure that the law specifies the types of light work acceptable for children as young as age 14 as well as permitted working conditions and hours.	2020 – 2021
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2017 – 2021
	Establish laws to prohibit the use of children in illicit activities.	2020 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
Enforcement	Ensure that the labor inspectorate is authorized to conduct unannounced inspections.	2019 – 2021
Social Programs	Ensure that national labor surveys capture information about all workers, including children working below the minimum age for employment.	2021

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