

Although research found no evidence that child labor exists in Montserrat, in 2022, the government made no advancement in efforts to prevent the worst forms of child labor. Montserrat also 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 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. In addition, 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. Additionally, the government has not determined by national law or regulation the types of hazardous work prohibited for children nor criminally prohibited the use of children in illicit activities, including in the production and trafficking of drugs.

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Table 1 provides one key indicator on children's education in Montserrat.

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





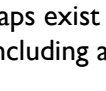

Children	Age	Percent
Primary Completion Rate (%)		96.8

Source for primary completion rate: Data from 2019 published by UNESCO Institute for Statistics, 2023. (1)  
Data were unavailable from International Labor Organization's analysis, 2023. (2)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories recognize the jurisdiction and sovereignty of the 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. (3,4) 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 a failure to criminalize the use of children in illicit activities.

# Montserrat

## NO ADVANCEMENT

**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 (5)
Minimum Age for Hazardous Work	Yes	18	Parts 3, 9, and 10 of the Labor Code (5)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Part 9 of the Labor Code (5)
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 (6,7)
Prohibition of Child Trafficking	Yes		Part VIII-A, Sections 138A–D, and Part XIV-A of the Penal Code (6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part VIII-A, Sections 138A and 138B of the Penal Code (6)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 96(8) of the Labor Code (5)
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 (5)
Compulsory Education Age	Yes	16	Chapter II, Part 3 of the Education Act (8)
Free Public Education	Yes		Chapter II, Part 1 of the Education Act (8)

\* Country has no conscription (3)

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. (5) 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. (5,9) In addition, the law does not criminally prohibit the use of children in illicit activities, including in the production and trafficking of drugs. (5,9)

### 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 & Activities
Department of Labor	Conducts labor inspections pursuant to the Labor Code under the Labor Commissioner. (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. (5)
Royal Montserrat Police Service	Enforces the laws of Montserrat, including worst forms of child labor laws. (10) Responsible for criminal investigations and pursuing criminal proceedings in cases of child abuse of any kind. (11)
Department of Social Services	Verifies the credibility of reports on the abuse of children. (11) If the allegations are true, the Social Services Department meets with the police to decide on a course of action with the child in mind. The police will take over the criminal investigation while Social Services ensures the protection of the child. (11)

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

As there is no evidence of a problem, there appears to be no need for a mechanism 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.

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

### 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 ILO Convention 182 on the Worst Forms of Child Labor.	2020 – 2022
	Ratify the UN Convention on the Rights of the Child.	2020 – 2022
	Ratify the UN CRC Optional Protocol on Armed Conflict.	2020 – 2022
	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.	2020 – 2022
	Ratify the Palermo Protocol on Trafficking in Persons.	2020 – 2022
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2017 – 2022
	Ensure that laws criminally prohibit the use of children in illicit activities, including in the production and trafficking of drugs.	2020 – 2022
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2022
Enforcement	Ensure that the law's light work provisions specify the activities/conditions in which light work may be undertaken by children as young as age 14 and limit the number of hours for light work.	2020 – 2022
	Ensure that the labor inspectorate is authorized to conduct unannounced inspections.	2019 – 2022

### REFERENCES

- UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 15, 2023. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report. <http://data.uis.unesco.org/>
- ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received March 2023. Please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- U.S. Embassy- London official. E-mail communication to USDOL official. March 15, 2023.
- ILO. Article 35: Application of Conventions to non-metropolitan territories. Accessed March 14, 2023. [https://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:55:0:NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:KEY,en,ILOC,/Document/Chapters/Chapter/Article\[@Number=35\]](https://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:55:0:NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:KEY,en,ILOC,/Document/Chapters/Chapter/Article[@Number=35])
- Government of Montserrat. Labour Code. Enacted: December 27, 2012. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100191/120080/F148320011/GBR100186.pdf>
- Government of Montserrat. Penal Code (Amendment) Act 2010. Enacted: April 15, 2010. <http://agc.gov.ms/wp-content/uploads/2009/03/No.-7-of-2010-Penal-Code-Amendment-Act-20102.pdf>
- Government of Montserrat. The Montserrat Constitution Order 1989. Enacted: January 8, 1990. <http://www.legislation.gov.uk/ukSI/1989/2401/contents/made>
- Government of Montserrat. Education Act. Enacted: January 1, 2008. <http://agc.gov.ms/wp-content/uploads/2011/10/Education-Act.pdf>
- U.S. Embassy- London. Reporting. January 14, 2020.
- Government of Montserrat. Website of the Royal Montserrat Police Service (RMPS). Accessed March 15, 2023. <https://www.gov.ms/government/ministries/non-ministerial-departments/royal-montserrat-police-service-rmps/>
- U.S. Embassy- London. Reporting. January 15, 2021.