

Montserrat

NO ADVANCEMENT

Although research found no evidence that child labor exists in Montserrat, in 2024, the government made no advancement in efforts 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. Furthermore, 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. Finally, 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.

PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Montserrat.

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.

Area	Suggested Action
Legal Framework	Ratify ILO Convention 182 on the Worst Forms of Child Labor.
	Ratify the UN Convention on the Rights of the Child.
	Ratify the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict.
	Ratify the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.
	Ratify the Palermo Protocol on Trafficking in Persons.
	Determine the types of hazardous work prohibited for children, in consultation with employers’ and workers’ organizations.
	Criminally prohibit the use of children in illicit activities, including in the production and trafficking of drugs.
	Criminally prohibit the recruitment of children under age 18 by non-state armed groups.
	Ensure that the law’s light work provisions specify the activities and conditions in which light work may be undertaken by children as young as age 14 and limit the number of hours for light work.
	Ensure that laws establishing free public education are free, meaning that no school official shall levy fees.
Enforcement	Authorize the labor inspectorate to conduct unannounced inspections.

LEGAL FRAMEWORK FOR CHILD LABOR

Each United Kingdom (UK) overseas territory has its own constitution, which sets out its system of government and its relationship with the UK, and provides for a governor or commissioner, an elected legislature, and ministers that are responsible for domestic affairs, such as internal security (police), immigration, education, and healthcare. Overseas Territories are self-governing, except in the areas of foreign affairs and defense. Domestic UK law does not generally apply unless explicitly extended to Montserrat. 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. No key international conventions concerning child labor have been accepted by Montserrat, including ILO C. 182, ILO C. 138, UN Convention on the Rights of the Child (CRC), UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, and the Palermo Protocol on Trafficking in Persons. In addition, Montserrat has not determined by national law or regulation the types of hazardous work prohibited for children or criminalized the use of children in illicit activities.

Laws and Regulations on Child Labor			
Standard	Age	Meets International Standards	Legislation
Minimum Age for Work	16	✓	Parts 3 and 9 of the Labor Code
Minimum Age for Hazardous Work	18	✓	Parts 3, 9, and 10 of the Labor Code
Identification of Hazardous Occupations or Activities Prohibited for Children		X	Part 9 of the Labor Code
Prohibition of Slavery, Debt Bondage, and Forced Labor		✓	Part VIII-A, Sections 138A, 138D, and 202D of the Penal Code; Part IV, No. 55 of the Constitution Order
Prohibition of Child Trafficking		✓	Part VIII-A, Sections 138A–D, and Part XIV-A of the Penal Code; Schedule II, No. 55 of the Constitution Order; and Sections 3 and 96 of the Labor Code
Prohibition of Commercial Sexual Exploitation of Children		✓	Part VIII-A, Sections 138A and 138B of the Penal Code
Prohibition of Using Children in Illicit Activities		X	Articles 3 and 96(8) of the Labor Code
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		X	Articles 3 and 96(8) of the Labor Code
Compulsory Education Age	16	✓	Section 26 of the Education Act
Free Public Education		X	Sections 14, 15, and 26 of the Education Act

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. The Minister of Labor for Montserrat is responsible for deciding what constitutes hazardous work, but Montserrat has not determined by national law or regulation the types of hazardous work prohibited for children. In addition, the law does not criminally prohibit the use of children in illicit activities, including in the production and trafficking of drugs. Moreover, Montserrat does not have free public education because although tuition fees shall not be charged, “other charges may be imposed” with the approval of the Minister. Therefore, the law allows school officials to levy fees.

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 established institutional mechanisms for the enforcement of laws and regulations on child labor. The lack of unannounced inspections being permitted may hinder efforts to prevent child labor.

Agencies Responsible for Child Labor Law Enforcement
Department of Labor: Conducts labor inspections pursuant to the Labor Code under the Labor Commissioner. 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.
Royal Montserrat Police Service: Enforces the laws of Montserrat, including worst forms of child labor laws. Responsible for undertaking criminal investigations and pursuing criminal proceedings in cases of child abuse of any kind.

COORDINATION, POLICIES, AND PROGRAMS

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

For references, please visit dol.gov/ChildLaborReports