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Human Rights Commission of Sri Lanka

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# **HUMAN RIGHTS COMMISSION OF SRI LANKA**

## **General Guidelines and Recommendations**

### **General Guidelines and Recommendations No. 01 of 2026 on Business and Human Rights**

**June 2026**

## **Introduction**

Every person in Sri Lanka has the inherent right to life and dignity. This right extends to every aspect of life including the rights to work and favourable conditions of work, the right to an adequate standard of living, and the right to development. The Human Rights Commission of Sri Lanka (HRCSL) recognises that an ‘all of society’ approach is required to meaningfully respect, secure, advance, and fulfil human rights. It, therefore, recognises that, similar to the duties of the state to respect human rights, non-state actors bear responsibilities to respect and protect the rights of persons and communities within their spheres of influence, and to remedy breaches of human rights caused by their business operations. The Commission also recognises that businesses have the capacity to meet their objectives in a manner that is compatible with human rights standards. Moreover, the state has a special responsibility to protect everyone from violations of their rights by non-state actors and to promote effective remedies for such violations.

The HRCSL issues these General Guidelines and Recommendations on Business and Human Rights with the aim of encouraging businesses in Sri Lanka to integrate basic human rights standards into their policies and operations. These Guidelines and Recommendations, based on the United Nations (UN) Guiding Principles on Business and Human Rights, also aim to provide a clear frame of reference to relevant state authorities when promoting human rights compliance among businesses.

These Guidelines supplement and do not replace any existing specific industry codes or standards. Where such sector-specific codes and standards exist, the businesses bound by such codes and standards are expected to continue to abide by them.

### **1. The State’s Obligations with respect to Business and Human Rights**

- 1.1. The state bears a constitutional obligation, through all organs of government, to respect, secure, and advance the fundamental rights recognised in the constitution. The state must also give effect to its international obligations under human rights and other instruments that it has ratified.
- 1.2. All organs of the state must take these human and fundamental rights obligations into consideration including when engaging in international relations and signing bilateral or multilateral treaties or contracts, whether with states or businesses. The state should not enter into treaties or contracts which may conflict with its human rights obligations or hinder its ability to honour these obligations domestically or internationally.
- 1.3. State organs that play a regulatory role must ensure that human and fundamental rights are adequately respected and protected by the institutions they regulate, particularly non-state or private-sector actors. These considerations should be built into the process of granting and renewing licenses and permissions (as the case may be) and of engaging in continuous oversight and monitoring of compliance with such approvals.
- 1.4. State-owned Enterprises (SOEs) bear a direct obligation to respect, secure, and advance fundamental rights by virtue of their link to and control by the state. The State should ensure

that all SOEs abide by the guidelines given below. SOEs should also evaluate whether other businesses and non-state actors with whom they do business or engage in any form are complying with these obligations. Where such entities may not be compliant, SOEs should use the leverage they have through commercial transactions to encourage compliance.

- 1.5. The state has the responsibility to ensure that all entities with which it conducts business comply with the human rights obligations set out below. This responsibility includes public procurement and the provision of grants or other financial or non-financial support to businesses at all levels of government, so that public money is not used to pay entities that may be violating human rights.
- 1.6. The state should bear in mind its statutory and international obligations in respect of preventing bribery and corruption, and should recognise the link between corruption and the violation of human rights. The state should ensure that anti-corruption laws including the Anti-Corruption Act, No. 9 of 2023 are enforced strictly, and that all government institutions are equipped with mechanisms to prevent and report corruption, so that every institution may discharge its functions according to law.

## **2. Public Commitment to Human Rights**

- 2.1. Every business, whether incorporated or unincorporated, should publicly commit to respecting the fundamental rights guaranteed by the Sri Lankan Constitution and the rights recognised in the core human rights treaties, and International Labour Organisation (ILO) conventions ratified by Sri Lanka. Such commitment may be in the form of a statement of policy, which: is approved at the most senior level of the business enterprise. It would be informed by relevant internal and external expertise; stipulates the enterprise's human rights expectations of personnel, business partners, and other parties directly linked to its operations, products, or services; is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties; and is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.
- 2.2. Every business should include within its strategy plans, policies and contracts relevant clauses that specifically commit to respecting human rights.
- 2.3. Senior leadership of businesses should regularly adopt language that refers to and promotes human rights in their public engagements. Such language may concern respecting the dignity of persons, providing decent work conditions, and protecting the environment.

## **3. Responsibility to Respect Human Rights**

- 3.1. Every business should at all times respect the inherent right to life and dignity of their workers, customers, and members of the public.
- 3.2. No business should instigate, participate in or support acts of trafficking in persons, slavery and servitude, torture, cruel, inhuman or degrading treatment, arbitrary arrests, or arbitrary detention.

- 3.3. No business should engage in activities or practices that violate the rights to health, education, or housing of their workers, customers, or members of the public.
- 3.4. No business should discriminate on the grounds of race, ethnicity, language, caste, religion, sex, gender, sexual orientation, disability, political opinion, place of birth or any other similar ground, when offering goods or services to customers. In particular, shops, restaurants, hotels and places of public entertainment bear a direct constitutional obligation not to deny access to any person on such discriminatory grounds.
- 3.5. Every business should respect the rights of persons, including their workers, to their fundamental rights, including the freedom of expression, the freedom of religion or belief, the freedom of movement, and the freedoms of peaceful assembly and association.
- 3.6. Every business should ensure reasonable accommodation of persons with disabilities, including accessible facilities and communication. Any differential treatment on the grounds of a disability or health condition when offering goods and services should only be to the extent that reasonable accommodation would impose an undue hardship on the business.
- 3.7. No business should engage in or knowingly facilitate the advocacy of hatred on the basis of race, ethnicity, language, caste, nationality, religion, sex, gender, sexual orientation, disability or any other similar ground. No business should engage in or knowingly facilitate the incitement to violence.
- 3.8. Every business, including those that engage in the provision of telecommunication services, should adopt adequate measures to prevent the dissemination of incitement to violence, hate speech, or disinformation. Such measures include adopting clear community standards, effective reporting mechanisms, and effective content moderation mechanisms.
- 3.9. Every business should recognise that corrupt practices within the non-state sector can lead to the violation of human rights. Every business should, therefore, fully comply with the Anti-Corruption Act, No. 9 of 2023.
- 3.10. Every business should respect the right to privacy of all persons, and the rights of data subjects recognised under the law. Every business should, therefore, fully comply with the Personal Data Protection Act, No. 9 of 2022.
- 3.11. A business may restrict any rights of its employees only where such restriction is expressly permitted by law and is a necessary and proportionate means of achieving a legitimate aim recognised by the law. Such restrictions should be preceded by consultation with the affected employees and due deliberation at the highest level.

## **4. Decent Work**

- 4.1. Every business should comply with the laws and regulations relating to employment in Sri Lanka including but not limited to laws and regulations pertaining to adequate remuneration,

work hours, social security, holidays and rest, leave including maternity and paternity leave, working conditions, and safety standards.

- 4.2. No business should engage in recruitment or employment practices that amount to forced labour or slavery.
- 4.3. No business should engage in recruitment or employment practices that amount to child labour. Every business should adopt adequate measures to verify the age of candidates prior to recruitment.
- 4.4. No business should engage in recruitment or employment practices that amount to discrimination on the grounds of race, ethnicity, caste, religion, sex, gender, sexual orientation or any other similar ground.
- 4.5. No business should engage in or with recruitment or employment practices that amount to discrimination on the grounds of disability. Any differential treatment in recruitment or employment on the grounds of a disability or health condition should only be to the extent that a specific job role cannot be reasonably performed by a person with a specific disability or health condition, or that reasonable accommodation would impose an undue hardship on the business.
- 4.6. Every business should adopt adequate practical measures to prevent gender-based violence and sexual harassment in the workplace. Such measures may include training managers and workers, having requisite internal policies, having confidential reporting processes, and providing effective remedies.
- 4.7. Every business should respect the freedom of their workers to engage in a lawful occupation guaranteed under article 14(1)(g) of the Constitution.
- 4.8. Every business should respect their workers' freedom of association and freedom to form or to join a trade union respectively guaranteed under articles 14(1)(c) and (d) of the Constitution.
- 4.9. These principles should extend to those who provide any form of service or labour that contributes to the functioning of the business but may not be formally employed.

## **5. Environmental Protection and Sustainable Development**

- 5.1. Every business should comply with all laws and regulations pertaining to sustainable development, including the protection of the environment. In particular, businesses should ensure that all operations are evaluated in terms of environmental risks to the ocean, water, air, soil, biodiversity, and climate. Businesses should prioritise the avoidance of environmental harm and should adopt a precautionary approach where the nature and extent of such harm is uncertain. Where harm is unavoidable, mitigation strategies should be adopted to minimise harm, restore the environment, and provide compensation to affected persons and communities.

- 5.2. Businesses should be transparent about their lobbying practices relating to regulations. In particular, they should be mindful of the possible environmental impacts involved in decisions for which they are lobbying government to deregulate particular areas or activities (for instance, in lobbying to exploit Protected Areas and Environmentally Sensitive Areas for commercial activity).
- 5.3. Every business, including those that engage in activities involving the extraction of natural resources, should ensure the environmental sustainability of their operations.
- 5.4. Every business that undertakes development activities affecting land, livelihoods or cultural heritage should ensure that the free, prior and informed consent of affected persons and communities is obtained.

## **6. Responsibility to Prevent or Mitigate Human Rights Impacts**

- 6.1. Every business should adopt adequate measures to identify, prevent, mitigate, and account for the actual and potential adverse human-rights impact across their operations. Such measures may be in the form of a Human Rights Due Diligence (HRRD) exercise that evaluates the impact of operations on multiple spheres, including labour, gender, children, disability, and the environment. Businesses should undertake such evaluations on a regular basis, and should strive to update their evaluation procedures to keep pace with the development of technology and international and comparative best practices.
- 6.2. Every business should ensure that the findings from HRDD exercises are integrated into policies, operations, and supply chains.
- 6.3. Every business should track the effectiveness of their response to the findings, including drawing on feedback from internal and external sources.
- 6.4. Every business should routinely communicate the methodology and findings of its HRDD assessments in an appropriate manner, for instance through their annual reports or on their websites. Privacy and commercial confidentiality should be respected.
- 6.5. Every business should constructively engage relevant state authorities, civil society, trade unions, affected communities, and independent experts in HRDD exercises. This is particularly the case where businesses identify or suspect that they have caused or contributed to adverse impacts on human rights and seek to take measures to remediate such impacts.
- 6.6. Every business should avoid causing or contributing to adverse human rights impacts through their activities. They should seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, supply chain, products, or services by their business relationships, even if they have not contributed to those impacts.
- 6.7. Where necessary, businesses should prioritise actions to address actual and potential adverse human rights impacts. Businesses should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.

## **7. Access to Remedies**

- 7.1. If a business has identified that it has caused or contributed to adverse human rights impacts, it should provide for, or cooperate with the provision of, adequate and effective redress through legitimate processes.
- 7.2. Every business should develop and raise awareness of internal grievance redress mechanisms designed to receive reports, investigate, and redress violations or potential violations of human rights through their business operations. Mechanisms should be independent, legitimate, accessible, predictable, equitable, transparent, rights-compatible, and a source of continuous learning. Development or adaptations of a mechanism should be based on engagement and dialogue.
- 7.3. Every business should develop and raise awareness of whistle-blower protection mechanisms within the organisation and encourage employees at all levels to report potential violations of or adverse impacts on human rights. In no case should businesses retaliate against employees who raise such concerns.
- 7.4. Every business should develop and raise awareness of reporting mechanisms through which the public, communities among whom the business operates, or other stakeholders including those who provide a service or labour that is not of a formal nature may report grievances relating to adverse human rights impacts. Such mechanisms should be credible, fair, and impartial, and may include the involvement of an independent entity to investigate and process complaints.
- 7.5. The state should ensure that judicial mechanisms provide adequate access to the public to report and pursue complaints relating to adverse human rights impacts by businesses. This responsibility includes the entire machinery of the legal system from the police to civil and criminal trials and ensuing appeals. Courts and tribunals at all levels should be equipped to appreciate the relevance of human and fundamental rights to their respective jurisdictions and to evaluate and adjudicate such claims in a fair and expeditious manner.
- 7.6. No business should adopt legal or other tactics aimed at suppressing legitimate grievances about their business activities, or to deliberately stifle access to justice and to a meaningful remedy.

## **8. Recommendations**

In view of the role of the state in promoting respect for human rights in the non-state sector, the following recommendations are presented to the Government of Sri Lanka:

- a. **Formulate and publish a National Action Plan (NAP) on Business and Human Rights that aligns relevant policies across key line ministries, including the ministries of Industry, Labour, Environment, and Justice.**

- b. Ratify key ILO Conventions, including the Violence and Harassment Convention, 2019 (No. 190), Labour Inspection (Agriculture) Convention, 1969 (No. 129), Private Employment Agencies Convention, 1997 (No. 181), and the Protocol of 2014 to the Forced Labour Convention, 1930 (P029).**
- c. Direct and incentivise regulatory institutions and State-Owned Enterprises to give effect to these Guidelines and Recommendations by adopting them into their licensing and approval processes and business operations (as applicable).**
- d. Incentivise the implementation of these Guidelines and Recommendations within the non-state sector through effective regulatory mechanisms to penalise businesses that violate human rights, including that of human rights defenders, and reward businesses with robust HRDD and human rights compliance.**
- e. Provide effective judicial and administrative remedies to victims of violations of human rights by non-state actors, including businesses.**

The following recommendations are presented to businesses and non-state actors:

- f. Publicly commit to adopting and abiding by the principles and practices contained in these Guidelines and Recommendations through an appropriate statement.**
- g. Develop and adopt strategic plans, policies, and practices and allocate adequate resources to give effect to these Guidelines and Recommendations, and work towards ensuring that compliance with these Guidelines and Recommendations is built into the culture of the business.**