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Business and human rights

Business activities that could negatively affect human rights globally, and the EU's response.

Business activities are the engine of the economy as they contribute to economic and social development through the creation of jobs and the provisions of goods and services. They could at the same time, have adverse impact on human rights including environment, labour and society aspects.

In particular, businesses (through their activities or omissions, and those of their supply chains) can negatively affect the entire spectrum of internationally recognised human rights, such as:

- civil and political rights
- economic and cultural rights
- equality and non-discrimination
- rights of the child
- freedom of expression
- data protection
- rights to a fair trial
- environmental rights and sustainability
- labour rights
- health rights
- consumer protection rights

In order to ensure the positive contribution of businesses and prevent their negative impact, the United Nations (UN), the International Labour Organisation (ILO) and the Organisation for Economic Co-operation and Development (OECD) defined an approach of the global expectations for responsible business. In particular:

The 2011 [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) are the first globally agreed standards for preventing and addressing risks for human rights linked to business activity.

The OECD Guidelines, adopted in 1976 and [updated in 2011](#), include a chapter on Human Rights, which is aligned with the UNGPs.

The [ILO Tripartite Declaration of Principles](#), concerning Multinational Enterprises and Social Policy (ILO MNE Declaration), was updated in 2017 to include new labour standards, as well as references to the UNGPs and to the 2030 Agenda for Sustainable Development.

In addition, in **2016** the Council of Europe adopted a [Recommendation on business and human rights](#) focused on giving access to legal remedy, with special emphasis on the additional protection needs of workers, children, indigenous people and human rights defenders.

In view of access to remedy, the UNGP provides that countries are expected to take the appropriate steps to ensure access to effective remedy for persons affected by business related abuses. This can be achieved through judicial, administrative, legislative and other appropriate means. The UNGPs also provides that companies, which have caused or contributed to adverse negative impacts by their activities, are expected to address them through remedy.

EU response

The [European Charter of Fundamental Rights](#) includes several relevant rules, such as those on:

- prohibition of slavery and forced labour (Article 5)
- freedom to conduct a business (Article 16)
- non-discrimination (Article 21)
- rights of the child (Article 24)
- fair and just working conditions (Article 31)
- prohibition of child labour (Article 32)
- health care (Article 35)
- environmental protection (Article 37).
- consumer protection (Article 38)
- right to an effective remedy and a fair trial (Article 47)

The EU has responded to the negative impact of business activities on human rights by doing the following:

2011 – EU strategy stressing commitment to implement the UN Guiding Principles on Business and Human Rights (UNGPs)

2015 – Commission [review of EU progress with UNGPs](#)

2017 – [Fundamental Rights Agency report](#) recommends the creation of an overview of all legal remedies, written in clear language for the general public.

2019 - Commission overview of progress: [Corporate Social Responsibility, Responsible Business conduct, and Business and Human Rights](#) (SWD (2019)143)

2019 - [Fundamental Rights Agency focus report on the business-related human rights abuses reported in the EU and available remedies](#)

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