Questions for Corporate Consideration
Regarding Russia’s New “Anti-Propaganda” Law

Non-Discrimination Policy: On its face, Russia’s new law would not appear to challenge the right of employers to maintain non-discrimination policies that are inclusive of sexual orientation and gender identity, provided that employees are of majority age (i.e., over age 18). However:

• Does the company’s policy, as understood by its Russian employees, specifically include sexual orientation and gender identity? If so, is the company’s non-discrimination policy posted internally? Are such postings – which may be necessary from a business perspective – compatible with the law?
• Is appropriate training conducted for Russian employees to indicate why this policy is important to the company? If so, how can this training, which the company deems necessary to the company’s employee workforce formation, be framed in order not to contravene Russia’s law?

Relocation Policy: There would appear to be greater risk that the Russian law might negatively impact a company’s ability to transfer employees to its operations in Russia:

• Might Russia’s new law pose obstacles to the willingness of a company’s LGBT employees to be assigned willingly Russia? Are incentives needed to ensure that reassignment?
• Might there be implications for a company’s ability to obtain visas for family members of LGBT employees? How will the company address this?
• What could be done locally to ease any cultural discomfort for the families of LGBT employees accompanying those employees to a posting in Russia?
• What actions can the company take locally to ensure the safety of LGBT employees and their families?
• How might the company otherwise seek to moderate the anti-gay atmosphere in places in which it has operations, for the benefit of its LGBT employees, in ways that may ease relocation difficulties?

Recruitment Policy: The new law potentially might make it harder for companies to deliberately seek out LGBT employees, or to advertise its non-discrimination policies in the course of those recruitment efforts:

• Would inclusion of a company’s sexual orientation-/gender-identity-inclusive non-discrimination policy in its recruitment advertising be considered as contravening the new law? If so, how might this risk be moderated?
• Could a company state its non-discrimination policy during the course of a job interview, provided the job applicant is above the age of 17?
• Would the wording of the policy be germane to either of the above questions? If so, how?
• How might companies appropriately reach out to LGBT communities to advertise positions?
**Marketing Instruments:** In-country corporate marketing efforts might pose particular challenges under the new law:

- Can company advertisements feature, or refer in any positive way (word or image), to same-sex individuals or couples?
- Does your company offer Russian language internet content, or other public material content? If so, is that content universal (country-to-country), or is it generally modified to account for local customs and laws?
- Can public corporate websites include reference to a company’s global non-discrimination policy without risking fine?
- Can public representations refer factually to LGBT non-discrimination policy, if asked?

**Corporate Social Responsibility:** To the degree that corporate social responsibility programs target or include disfavored communities, might the new law penalize support for LGBT communities?

- How can a company ensure that monetary, logistical, or product support for LGBT-related organizations is not seen as contravening the law?
- Does the company currently engage with – or might it consider engaging with – Russian LGBT or LGBT youth-oriented non-governmental organizations?
- Might companies sponsor LGBT-related events, including Pride events? If so, under what terms, or in what manner? What clarifying statements might accompany any decision to offer such sponsorship?
- To what degree is the company engaged in sponsorship or other activities surrounding the 2014 Sochi Olympics? Has it engaged, in that context, in the burgeoning discussion of Russia's new “anti-propaganda” law?

**Shared Interests:** U.S. and multinational companies operating in Russia share the imperative of finding answers to these questions in ways that are in keeping with their corporate values of fairness and inclusion:

- Might it be worthwhile to engage, at the headquarters level, with other LGBT-supportive companies that have operations or activities in Russia, with a view to engaging in common discussion of these issues?
- Might a working group be formed within the American Chamber of Commerce in Moscow, and/or within other similar commercial groupings with a view to developing a strategy for engaging Russian officials on implications the bill might have on foreign investment and commercial relations?
- Might the U.S. embassy, and other foreign diplomatic missions, similarly be engaged?