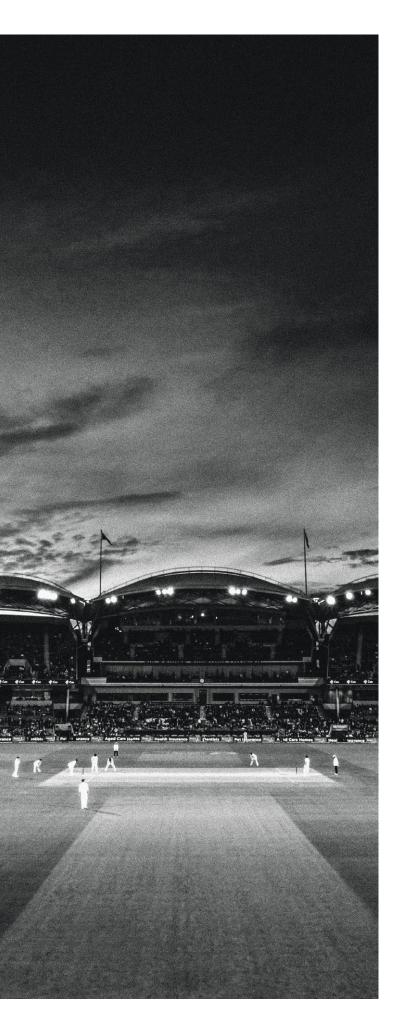




#### **WORLD PLAYERS ASSOCIATION**

# **#RIGHT20RGANISE SURVEY & REPORT**

**EFFECTIVE ATHLETE REPRESENTATION IN GLOBAL SPORT 2023** 





This report has been drafted by:

Matthew Graham Director of Legal & Player Relations

**Gabriela Garton** *Player Relations Co-ordinator* 

Florian Yelin Policy & Research at the World Players Association

# Contents

Foreword	4
Executive Summary	
The players are the union: WNBPA and optimising player buy-in	7
Methodology & Limitations	9
What is #R20? Requirements Under International Law	
Analysis & Case Studies	
Player rights challenges: in brief	
Union recognition & normalisation of #R20: in brief	
Home run! Organising Minor Leaguers	
Anti-union conduct: in brief	
Key findings – overall	
Key findings – harassment and discrimination	
No Ball: International Cricket	
Red Card: Football in Gabon	
Key findings – union avoidance	
False start: Athlete commissions as (in)effective representative bodies	
Collective bargaining & meaningful engagement: in brief	
Face-off: athlete representation in global sport	
Raising the bar: bargaining at the global level	
'Equal pay for equal play': PAs leading the way towards pay equity	
Collective & strategic action: in brief	
Slam Dunk: Athlete activism leading to social change	
Golazo!: PFA (Aust.) strikes for gender equity	
The GPA takes a stand	
Barriers to #R2O: in brief	
Red Card: Union busting in Korea	
Red Card: Anti-union culture in Colombia	
Conclusion: Embedding Respect for #R20	
References	

# Foreword

"

The mystique of sport often clouds the fact that sport is big business<sup>1</sup>. And in this business, the athletes are both the product and the labour upon which the industry's enormous wealth is built. Athletes across sports have long struggled to have their rights at work respected as they should be for any other worker – this is true for the 85,000 players and athletes through more than 100 player and athlete associations based in over 60 countries affiliated to the World Players Association (WPA).

At the heart of this struggle has been the unifying belief that athletes are stronger as a collective. By organising in player associations and unions and collectively bargaining outcomes, athletes have achieved better conditions and improved their livelihoods on and off the field of play.

At the heart of this struggle has been the unifying belief that athletes are stronger as a collective. By organising in player associations and unions and collectively bargaining outcomes, athletes have achieved better conditions and improved their livelihoods on and off the field of play.

This inaugural report on the right to organise (#R2O) outlines how freedom of association and effective recognition of collective bargaining has come to be normalised as the predominant mode of athlete representation throughout the world's major sports. Where #R2O is respected, sport enjoys what is arguably the most sophisticated system of industrial relations in the world - salaries and standard contracts, revenue sharing, player development and wellbeing programs, group licensing and anti-doping policies, along with other complex disciplinary and occupational health and safety issues are all collectively bargained. A recent example of this was the player association-led response to Covid-19, where matters negotiated in professional sport would go on to inform wider public health policies. The pandemic also revealed that without effective representation, athletes were often exposed to unacceptable risks and harm.

As this report also demonstrates, the struggle for #R2O to be fully respected throughout global sport is ongoing. Anti-union conduct and union avoidance strategies continue to be rife within the industry, ultimately harming athletes and perpetuating power imbalances that leave them vulnerable.

Two systems of work exist in global sport<sup>ii</sup>: one that respects #R2O and another that does not. In the second system, prevalent in the disciplines that dominate the Olympic Movement, various barriers limit the ability of athletes to get organised, including sham amateurism; denying the status of athletes as workers; created and controlled models of athlete representation, such as athlete commissions that limit independent athlete voice; and power imbalances within governance structures that put the interests and reputations of sport governing bodies (SGBs) ahead of the athletes they are meant to serve.

The industry can and must do better if it is to fulfil its responsibilities to protect and respect athlete rights and enjoy the win-win benefits – for example, enhancing player right protections across a range of issues while driving the growth and prosperity of the global sport business – that can only be achieved through embedding respect for #R2O, the foundation upon which all other rights are built. Through empirically detailing the #R2O in global sport, we believe this report provides an important starting point.

We are committed to working with player associations, established and emerging, to ensure that players, wherever they want to, can establish, join and enjoy the benefits of effective athlete representation through strong and independent player associations and unions.



DON FEHR President, World Players Association



BRENDAN SCHWAB Executive Director, World Players Association

# **Executive Summary**

#### About the Survey & Report

Throughout the Northern Hemisphere summer of 2022, the World Players Association (WPA) conducted the first survey of its type into how the right to organise (#R2O) is respected, or not, in global sport.

The survey was completed by 79 player associations (PAs) in 48 countries from 17 different sports. The findings accordingly represent a comprehensive, but not complete, sample of all player associations affiliated to World Players.





The survey considered the various levels at which athletes are represented by player associations and unions in global sport and asked a number of questions relevant to #R2O. These are key enabling rights upon which all other rights are built and secured and, as this report shows, fundamentally point to the ability and capacity to effectively represent athletes.

The data comprehensively demonstrates that #R2O is normalised throughout global sport and is the only legitimate and effective means of athlete representation. Nevertheless, various obstacles exist that limit its full enjoyment. This report presents several recommendations for all stakeholders throughout global sport in relation to how #R2O can be better respected, protected and upheld.

As the first survey and report of its type, World Players commits to conducting follow-up studies to monitor and track progress in embedding #R2O throughout the world of sport.

# What are player associations and what do they do?

Player associations (or unions)<sup>1</sup> are organisations created, led and driven by players. Common characteristics include that they:

- Are legally established as member-based collectives or labour organisations of players and athletes;
- Are independent, representative of, and accountable to players and athletes;
- Have a primary duty to represent and act in the best interests of players and athletes collectively;
- Negotiate collective agreements that cover the essential conditions in which players and athletes work and play; and
- Advocate, defend and represent the collective interests of players and athletes.

The structure of a PA is key to its success. Commonly, this will include a delegate structure in which each team or club in a sport elects player representatives to a player board. This board will elect and then delegate authority over key matters to an executive committee or board. These, in turn, will be responsible for key decisions about strategy as well as hiring and firing personnel, such as the Executive Director or CEO; negotiating and approving agreements; and many other matters to ensure the PA is always run in the best interest of the players.

Ultimately, when PAs are truly representative and accountable to the players, their power comes from the collective.

**C** Ultimately, when PAs are truly representative and accountable to the players, their power comes from the collective.



<sup>&</sup>lt;sup>1</sup> These terms are used interchangeably for the purpose of this report.



# The players are the union: WNBPA and optimising player buy-in

In 2016, following police violence resulting in the deaths of two young African-American men in Texas and Minnesota, the members of the Women's National Basketball Players Association (WNBPA) decided to raise their voices in support of the Black Lives Matter (BLM) movement and call for gun control.

Through conversations among the players about how to be most effective in their demonstration, they came to a consensus for a clear, unified message that they would communicate through t-shirts created by the players and worn during every post-game press conference. This unity in the players' activism translated into the decision to opt-out of the prior collective bargaining agreement (CBA) in 2019, deciding to enter negotiations early.

WNBPA President, Nneke Ogwumike strongly encouraged every player read the CBA to make sure they knew what was in it and what issues were most important to them. The CBA Committee, comprised of player representatives and the Executive Committee, was opened to any player interested in joining and was thus truly reflective of all union members, with young players, international players, mothers, players considering motherhood and veterans, among others.

This allowed for diversity in the terms negotiated; salary was important but not the only issue players wanted to improve. Among the major changes in the newest CBA, established in 2020 and still in place as of 2022, was a revised business model for the league, which in turn improved players' wages, as well as a new maternity policy with more support for parents and players looking to become parents through benefits such as a childcare stipend for caregivers, 100% pay while on parental leave and the opportunity for current players to freeze their eggs.

We are a union truly grounded in good governance. We believe in the fundamental principles of what it means to be a labour union: to support our members, to ensure their work environment is safe, that it is supportive of who they are as people and professional athletes."

- Terri Jackson, WNBPA Executive Director

#### **Major Findings**



**#R2O is the dominant mode of athlete representation across global sport;** 86% of PAs are formally recognised by their counterparts. Despite this, several barriers exist to its free and full enjoyment.



Trade union rights, as well as the labour and economic rights of athletes, are among the most significant challenges PAs face. Of the PAs surveyed, 70% indicated trade union rights and 75% deemed labour and economic rights to be significant or very significant challenges



Almost 60% of player associations have been subject to anti-union conduct, including:

- a. the discrimination and harassment of union members (particularly high in football)
- b. union avoidance strategies (prevalent in cricket and Olympic movementdominated sports)



More than 2/3rds of PAs have an industrial agreement in place (CBA, MoU, etc.). These cover a wide and sophisticated range of conditions of work and play. By contrast, other modes of athlete representation are incapable of negotiating and concluding agreements on behalf of athletes



Almost 80% of PAs have taken some form of collective or strategic action. This may include strikes, legal actions or campaigns



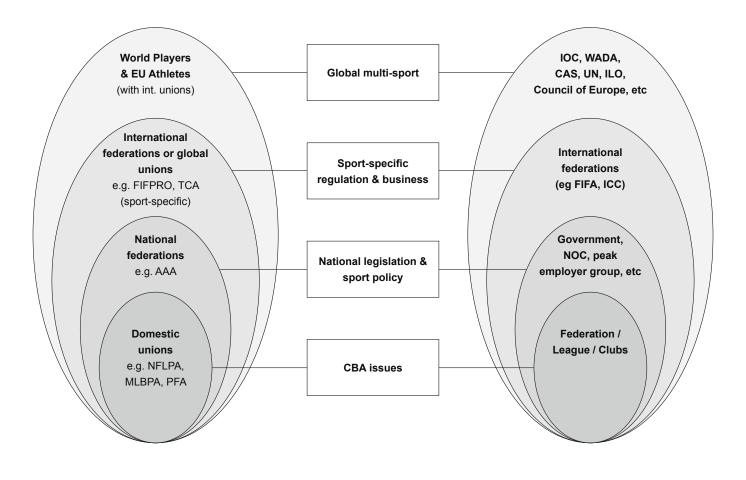
Various barriers exist to #R2O across all countries and sports. For 30% of PAs, denial of the status of athletes as workers is a major barrier, followed by a culture of anti-union behaviour (29%) and sport-specific laws and carve-outs (27%)

# Methodology

Participants were asked questions that corresponded to the levels where athletes are organised, represented and seek to negotiate and engage as set out below:

#### The architecture of the global PA movement

#### Global sport's power structure over athletes



Survey respondents included domestic PAs (e.g. the major athlete unions in North America, such as the National Football Players Association (NFLPA) and Major League Baseball Players Association (MLBPA), national federations of PAs (e.g. the Australian Athlete's Alliance [AAA] and New Zealand Athletes Federation [NZAF]), regional federations of PAs (e.g. European Elite Athletes Association [EU Athletes]) and international federations of PAs (e.g. FIFPRO, International Rugby Players [IRP] and the Federation of International Cricketers Associations [FICA]).

# LEVEL OF PLAYER REPRESENTATIONDomestic PAs70National federation of PAs2Regional federation of PAs, or global unions6

The data demonstrates that the respect for #R20 is strongest at domestic levels and frequently resisted at the international level by global governing bodies, which remain reluctant to give athletes an equal say despite their obligations to do so. The data demonstrates that the respect for #R2O is strongest at domestic levels and frequently resisted at the international level, where global sport governing bodies remain reluctant to give athletes an equal say despite their obligations under international human rights and labour law.

Questions were structured around the following categories:

- Key player rights challenges
- Respect and recognition of #R2O
- Anti-union conduct
- Collective bargaining and meaningful engagement
- Collective action and leverage
  - Barriers to #R2O under national laws

The data from the PAs that responded to the survey have been broken down on an overall basis and with specific results presented across the world's major team sports – football, cricket, rugby, hockey and basketball – as well as on a regional basis – Europe, USA and Canada, Latin America, Africa and Asia and Oceania.<sup>2</sup>

<sup>2</sup> North and Latin America were considered separately given the different socio-economic circumstances and model of the respective sports industries

#### Limitations

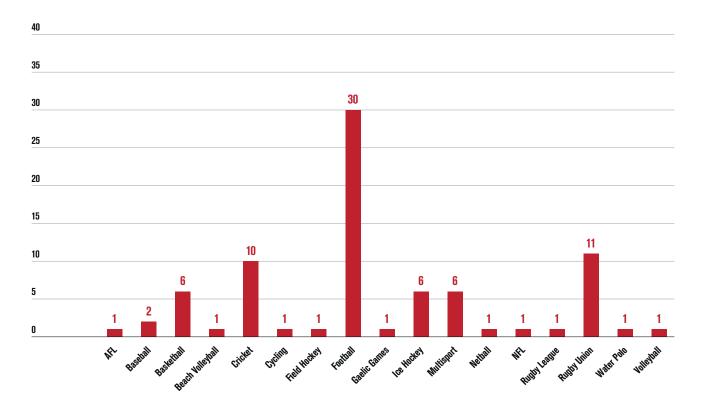
"

Interviews were also conducted with some participants for case studies to bring the data to life.

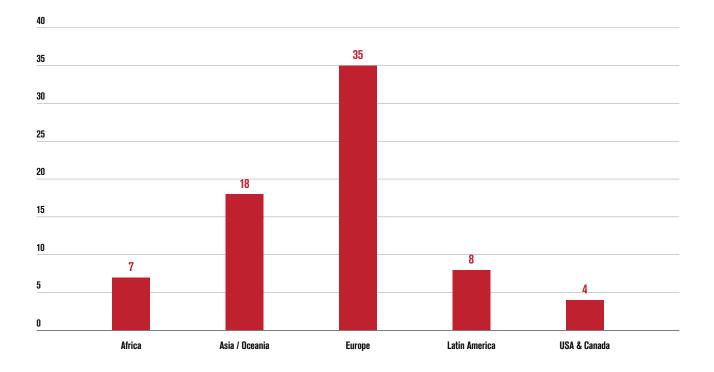
A major limitation of the findings is that data has only been obtained from participants where athletes are organised, which is particularly prominent in professional team sports. Athletes outside of these environments are increasingly looking to get organised – for example, in tennis, swimming, and athletics. However, they are exposed to various barriers that limit them from doing so, including structural and institutional barriers, as outlined further in this report.



#### Survey responses by sport



#### Survey responses by region



#### **Participating PAs**





# What is **#R2O**? Requirements under international law

"

#R2O is an internationally recognised human right that comprises freedom of association and the effective recognition of the right to collective bargaining. This means athletes, just like other workers, have the right to collectively form organisations to negotiate terms and conditions of work. These organisations should be free from interference from employers, governments and other third parties and protected from antiunion conduct.<sup>III</sup>

These principles are enshrined at the global level by the International Labour Organization (ILO) – the United Nations (UN) agency with the mandate to advance social and economic justice through setting international labour standards – particularly in:

- Convention 87, <u>the Freedom of Association and</u> <u>Protection of the Right to Organise Convention, 1948</u><sup>iv</sup>; and
- Convention 98, the Right to Organise and Collective
   Bargaining Convention, 1949<sup>v</sup>

Conventions 87 and 98 form part of the nine 'fundamental' Conventions contained in the ILO's <u>Declaration on Fundamental</u> <u>Principles and Rights at Work</u> (FPRW). This means they are binding on 187 member states of the ILO, irrespective of whether they have been formally ratified under national law.

The ILO has a unique tri-partite structure comprising national governments and worker and employer representatives, all represented in its decision-making processes. It also has specialist bodies responsible for interpreting Conventions 87 and 98, including the Committee on Freedom of Association. These specialist bodies have elaborated on what #R2O means in practice.

In January 2020, <u>World Players led</u> a historic delegation to the ILO with the inaugural Global Dialogue Forum on Decent Work in the World of Sport. <u>The tri-partite Points of Consensus</u> negotiated as an outcome of the Global Dialogue reaffirmed the application of these principles to athletes. It concluded: All workers, including athletes, regardless of the type of employment relationship, require, as a minimum, to be protected by the fundamental principles and rights at work.



# How do these principles apply to global sport?

The UN Guiding Principles on Business and Human Rights (UNGPs) are globally accepted as the authoritative standard for States and companies to respect, protect and remedy human rights abuses. A consensus has emerged that they apply to the world of sport and have been adopted by sports such as football<sup>vi vii</sup> as well as by the Commonwealth Games Foundation (CGF) and most recently, the International Olympic Committee (IOC).<sup>viii</sup>

Under the UNGPs, Conventions 87 and 98 are defined as 'internationally recognised human rights along with the other Conventions comprising the FPRW, as well as the instruments comprising the International Bill of Rights.<sup>ix</sup>

The UNGPs rest on three pillars (pictured opposite) that require and elaborate on the nature of the state's duty to protect, the corporate responsibility to respect and access to remedy.

After their unanimous endorsement by the UN Human Rights Council in 2011, the UNGPs have subsequently been incorporated into other international standards such as the Organisation for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises and the ILO Declaration of Principles concerning Multinational Enterprises and Social Policy. They have also been referenced as the relevant benchmark in the tripartite Points of Consensus coming out of the Global Dialogue Forum on Decent Work in the World of Sport.



1. The state's duty to protect human rights



2. The corporate responsibility to respect human rights



3. Access to remedy

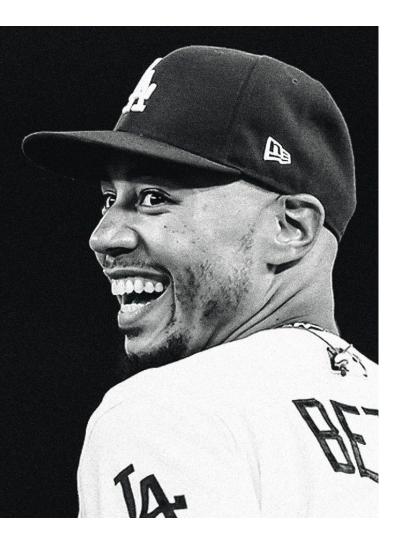


#### The state's duty to protect

States have an obligation to protect individuals within their jurisdiction against violations of their rights by third parties, such as sports bodies. This requires states to apply all appropriate and available means to prevent, investigate, punish and redress human rights abuses by private actors, including through the adoption and effective implementation of policies, legislation, regulation and enforcement mechanisms.

The FPRW binds states as members of the ILO. In relation to #R2O, this requires for example:

- Reviewing and addressing legislative gaps that may impede #R2O, e.g. athletes' status as workers and sportspecific laws and exemptions.
- Requiring sports bodies to respect #R2O as a condition for government funding and subsidies since, through the substantial reliance on public finances, the state is closely linked to potential rights abuses by sports bodies.<sup>x</sup> In practice this may mean requiring companies to undertake human rights due diligence, which is already policy in some jurisdictions.<sup>xi</sup>
- Ensuring there are adequate laws and mechanisms in place to enforce the right to organise and collective bargaining and to address anti-union behaviour.



#### The corporate responsibility to respect

The responsibility to respect is grounded in the 'do no harm' principle. Regardless of their size, sector, ownership or structure, business enterprises are expected to prevent causing human rights harm and to address adverse impacts in which they are involved. This includes the sport governing bodies (SGBs) and employers that make up the multi-billion-dollar sport industry.

SGBs and employers have a responsibility to respect internationally recognised human rights, and, in line with the focus of this report, #R2O specifically, through:

- 1. Making binding commitments to respect human rights in key statutory and governance documents.
- Conducting ongoing human rights due diligence to identify and address actual and potential human rights harms, including denying or impeding #R2O.
- 3. Providing access to effective remedy.
- 4. Monitoring and reporting progress and engaging meaningfully with stakeholders.

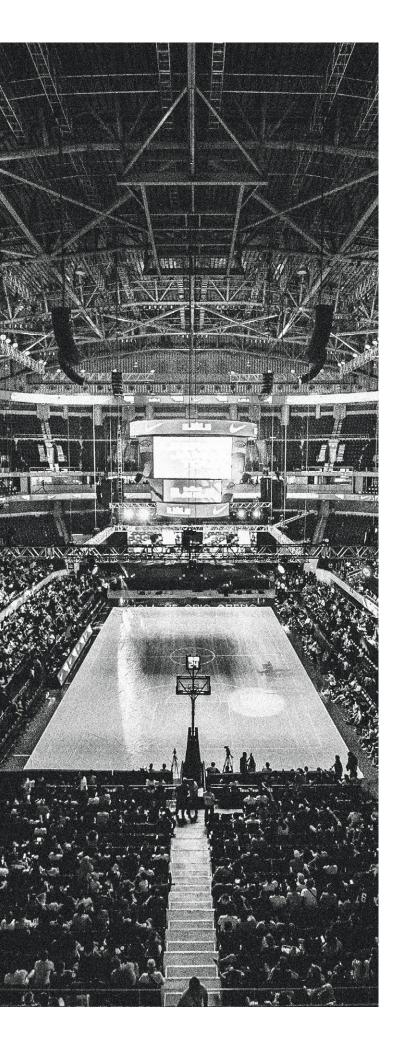
#### Respecting #R2O requires that:

#### Players and player associations:

- Are able to join collective organisations of their own choosing without undue interference, influence or previous authorisation by management.<sup>xii</sup>
- Enjoy adequate protection against anti-union conduct, including harassment and discrimination and union avoidance strategies.<sup>xiii</sup>
- Enjoy an enabling environment for #R2O such as:xiv
  - o Access to the necessary facilities to assist collective bargaining.<sup>xv</sup>
  - Provision of transparent information required for meaningful negotiations, including on the financial performance of SGBs and employers.

#### SGBs and employers:

- Refrain from undermining attempts to negotiate in good faith.<sup>xvi</sup>
- Install mutually agreed systems for regular consultations, while not substituting collective bargaining, on matters of common concern, for example occupational health & safety.<sup>xvii</sup>
- Facilitate settlement of industrial disputes through voluntary conciliation and arbitration mechanisms.<sup>xviii</sup>



#### **#R20** in practice: essential principles

With the above in mind, the essential principles for respect for #R2O as articulated by the ILO and its specialist bodies are:

- Players and athletes have the right to form and join player and athlete unions/associations and to be represented by individuals they freely choose.
- It is not for management to set the eligibility requirements of player union leaders.<sup>xix</sup> Whether these individuals are current or former athletes or otherwise is a matter for the athletes to determine with respect to who they consider can most effectively protect and advance their collective interests.
- Player and athlete associations should be free from anti-union discrimination<sup>xx</sup> and other acts of 'interference' from employers, governments or other third parties – which includes SGBs which exercise extensive regulatory control over the terms and conditions of work for athletes.
- Players and athletes have the right to join and affiliate with national, regional or international federations<sup>xxi</sup> to advance their collective interests, and these bodies are also covered and protected by the principles of the ILO Conventions. This includes bodies such as AAA, EU Athletes, FIFPRO, FICA and International Rugby Players.
- The establishment of consultative committees, such as athlete commissions, must not substitute or undermine #R2O.<sup>xxii</sup> It is not for management to dictate whether athlete representation must operate within its controlled structures, nor should these bodies receive preferential treatment in relation to engagement or consultation on key terms and conditions of employment.
- Moreover, ILO guidance dictates consultative bodies should be established as a preliminary step to help promote #R2O.
- The law of the land shall not impede or be applied to impair these principles and guarantees.

# **Analysis & Case Studies:**

#### Player rights challenges: in brief

Participants were asked to identify the key player rights challenges in relation to:



Trade union rights – e.g. freedom of association and effective recognition of the right to collective bargaining



Legal rights – e.g. grievance mechanisms and access to effective remedy



Child rights



Labour & economic rights – e.g. terms and conditions of work, salaries, occupational health and safety



Discrimination and harassment



Trafficking or abuse in recruitment and development

The surveyed areas reflect the structure of World Players' Universal Declaration of Player Rights (UDPR).<sup>xxiii</sup>



Personal rights – e.g. protection of player data and personal development and wellbeing

#### Key findings:



Significant player rights challenges were identified across all categories.



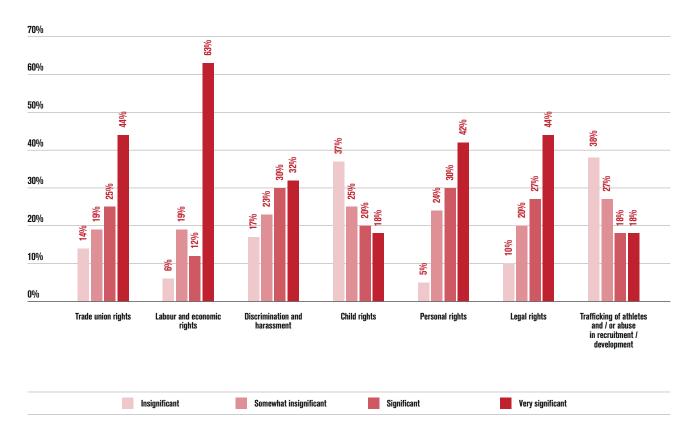
Labour and economic rights were identified as the most significant: 75% deemed this a significant or very significant challenge.



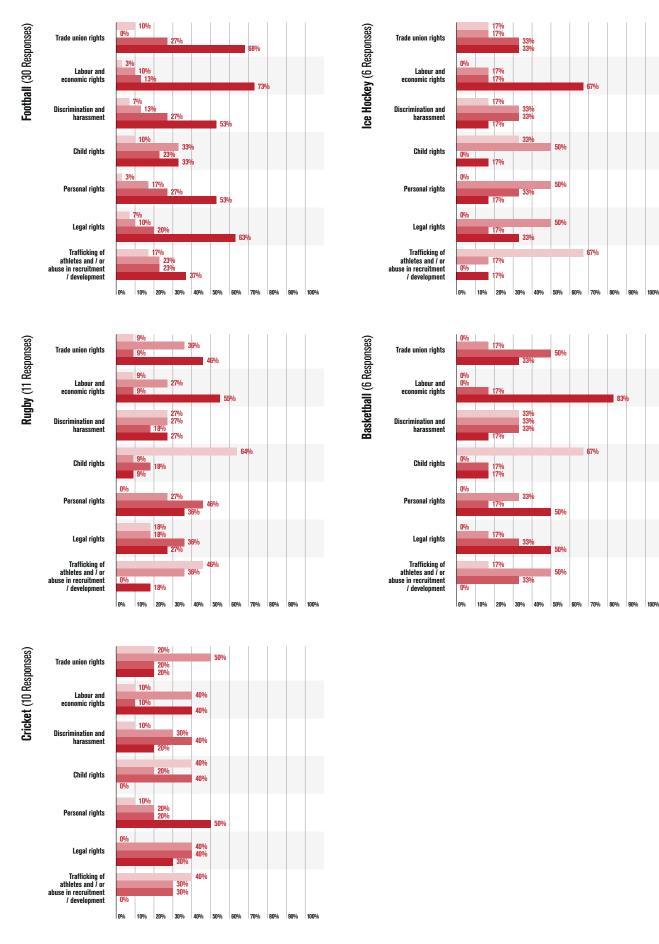
70% of respondents considered trade union rights as a significant or very significant challenge:

- o Compared to other sports, trade union rights are deemed to be the most significant in **football**, **basketball and ice hockey**.
- o **Africa** (86%) and **Latin America** (88%) are the most challenging environments in relation to respect for #R2O, consistent with wider challenges in the region.
- o The responses by **PAs operating at the global level** confirm the regulatory and governance gaps they face in relation to #R2O.

#### Significance of player rights challenges in represented sport: Overall







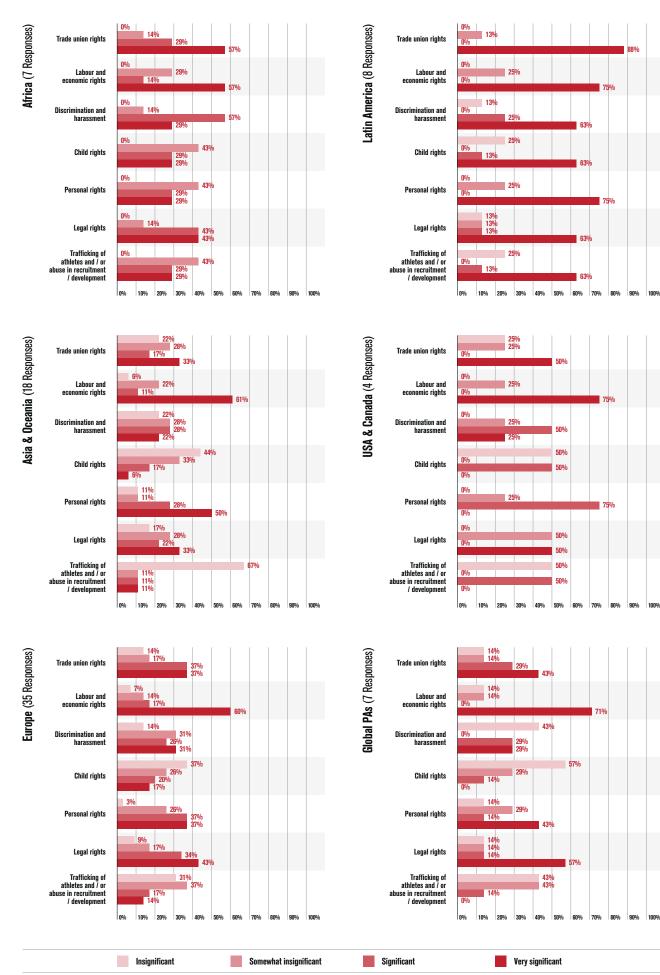
Insignificant

Somewhat insignificant

Significant

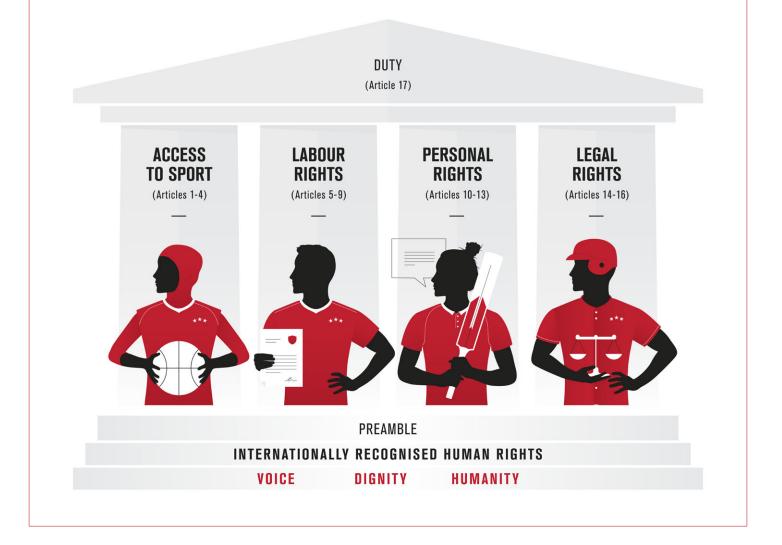
Very significant





# The four pillars of the Universal Declaration of Player Rights (UDPR)

Grounded in international human rights standards and the reallife experiences of players, the UDPR is the first comprehensive articulation of players' human rights. It is the leading standard for SGBs and employers to comply with their responsibility to respect, protect and, where necessary, uphold the fundamental rights of players.<sup>xxiv</sup> It rests on four pillars:





# Union recognition & normalisation of the #R20: in brief

Recognition is often one of the first goals to achieve after the players decide they are stronger as a collective and take steps to organise. Recognition is sought from counterparts for the purposes of negotiating improved terms and conditions of work, as well as meaningful consultation on other key matters relating to the player's position in the game.

Recognition is often the result of struggle, hard work and sacrifice. It takes exemplary leadership and organising around a just cause, such as decent work, fair pay, freedom of movement or gender equity.

Depending on the context of the sport and local conditions, recognition may be granted voluntarily, e.g. expressly acknowledged in collective agreements or acquired through law. Under international law, states should ensure recognition provides a certain level of protection to PAs from acts of antiunion conduct.

#### **Key findings:**



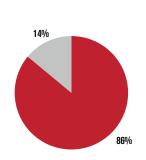


#R2O is normalised throughout global sport: 86% of PAs are recognised as the representative body or bargaining agent for players

Significant barriers to recognition exist in Latin America, where 25% of player associations and unions are not recognised. This is also seen with global player associations or unions of where 30% are not recognised. This is consistent with wider trends relating to structural and cultural barriers to organising at these levels.

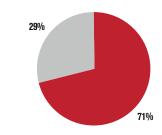


#### Recognition of PAs as representative bodies and/or bargaining agents



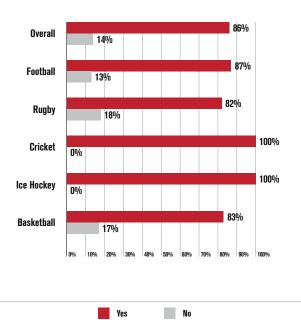
**Recognition of Global PAs** 

**Recognition by Region** 

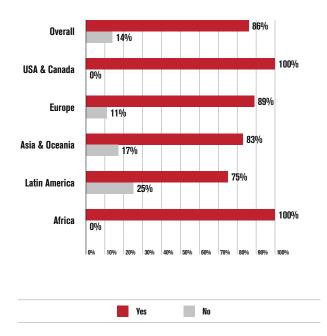


#### **Recognition by Sport**

Overall



Yes









# **Home run!** Organising Minor Leaguers

For many years, minor league baseball players have endured poor conditions of work and play to get a shot at the big leagues. Many players made below the US minimum wage, earning as little as between \$400 and \$700 a week. Players have also had sub-par arrangements in relation to travel, meals and accommodation. Players coming from Latin America have been particularly vulnerable for fear of speaking out. Recently, challenges facing minor leaguers were exacerbated by a lost season due to the pandemic.

On 29 August 2022, following years of hard work by players and organisations such as Advocates for Minor Leaguers, the MLBPA launched a historic campaign to unionise Minor League players. It did this by sending out authorisation cards to act on the players' behalf as their official bargaining agent.

On 6 September, with a significant majority of the 5,500 active Minor League players having authorised the MLBPA to act on their behalf, the MLBPA requested formal recognition from Major League Baseball (MLB), which was granted on 14 September.

The MLBPA, which has a pioneering history as a labour union in professional sport, will now lead negotiations for the first collective-bargaining agreement between the League and minor league players, an essential step for enhanced conditions and dignity.

# We have the right players, at the right time, in the right climate."

- Tony Clark, MLBPA Executive Director

#### Anti-union conduct: in brief

Anti-union conduct is expressly prohibited by international law. Protection against acts of anti-union conduct and discrimination is codified in a number of international labour standards, including article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) which states "workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment." Such anti-union discrimination can take direct or indirect forms. Direct forms include dismissal, discrimination or otherwise prejudicing a worker by reason of union membership through blacklisting, for example.

Union avoidance strategies are both more nuanced and widespread in sport, especially in the Olympic Movement. They include direct dealing, e.g. excluding the union from negotiations and dealing directly with the players, and the establishment and preferential treatment of bodies controlled or influenced by management, e.g. athlete commissions (ACs).

#### Key findings - Overall:



Alarming rates of anti-union conduct exist across sport and regions. As many as 60% of respondents indicated they had experienced anti-union conduct.

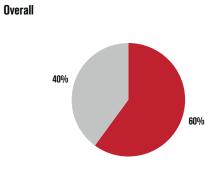


Anti-union conduct was the highest in cricket (70%), followed by football (66%), whilst it was the least pronounced in rugby (27%).

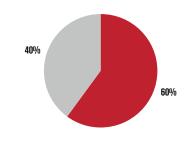


Anti-union conduct is particularly prevalent in Africa (100%), Latin America (75%) and for player associations operating at the global level (70%).

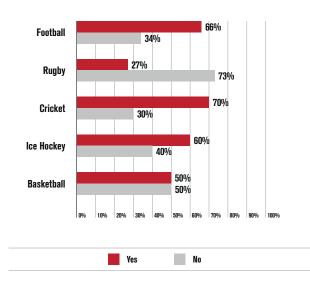




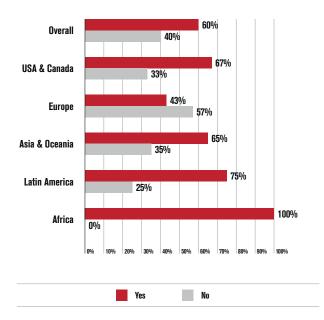
Anti-union conduct against global PAs (7 Responses)



Anti-union conduct by sport



Anti-union conduct by region





#### Key findings - harassment and discrimination



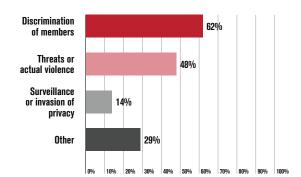
44% of respondents subject to anti-union conduct have experienced harassment and discrimination.

**Overall** (21 Responses)

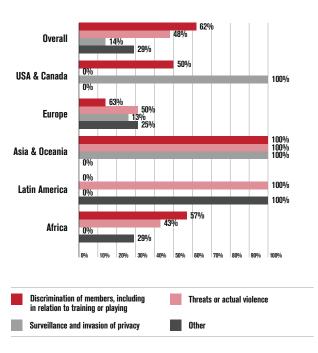


This is especially high in football (68%) and hockey (66%) and regionally in Africa, where almost 60% of respondents were exposed to harassment and discrimination.

#### Prevalence of harassment and discrimination:



#### Harassment and discrimination by region (14 Responses)





# No Ball: International Cricket Kricket is one of the world's most widely loved and played sports, yet it is rife with cases of anti-union conduct, both in countries where a PA exists and those where players have been unable to form one. This is especially true in regions of the Asian subcontinent.

One recent example occurred during the 2022 Cricket T20 World Cup in Australia. A group of senior male players had reached out to the FICA for more information about forming a PA in their country. Conversations about the potential PA reached management, and players were pressured to drop the idea with threats to their selection and careers.



- Tom Moffat, FICA CEO

## **Red Card:** Football in Gabon



Players of the Association Nationale des Footballeurs Professionals du Gabon (ANFPG), established in 2014, have had their #R2O systematically suppressed, and those who have raised their voice have faced retaliation from the federation and even temporary imprisonment. As a result, players have experienced significant harm from the power imbalance, including salary arrears of over three years as well as being subjected to widespread sexual abuse over at least the past two decades.

In April 2022, when the Gabonese Football Federation announced the recommencement of the first division following two years without competition due to COVID-19, players went on strike, with many camped out in front of the Ministry of Sport demanding payment for salary arrears.

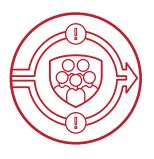
Despite several commitments from all competent authorities, including the federation itself in 2021, to cover the debt (equivalent to over 2 million euros), salaries have remained unpaid since 2016. During a gathering of the national team, at which the union tried to raise awareness on the domestic situation of the professional players, the federation requested the arrest of a union delegation. Five players were detained overnight and only released upon the order of the federation's president. Moreover, the federation refuses to engage with the union and has established its own athlete-representative body financed by the federation.

In Gabon, protesting, even peacefully, can result in at least one night in jail, if not more, in order to extract a justification for the demonstration.

The federation requested the arrest of a union delegation. Five players were detained overnight and only released upon the order of the federation's president. Moreover, the federation refuses to engage with the union and has established its own athleterepresentative body financed by the federation.



#### Key findings - union avoidance:



Union avoidance is the most prevalent form of anti-union conduct. More than 90% of those who have experienced anti-union conduct indicated they had been subject to union avoidance strategies.

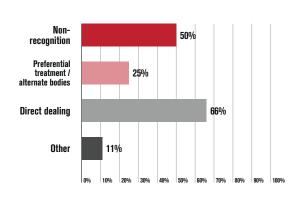


Union avoidance is a particular problem for PAs operating at the global level with 100% indicating they have been subject to union avoidance strategies.

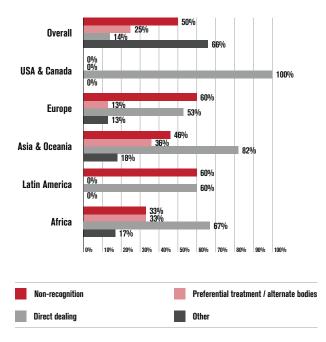


#### Prevalence of union avoidance strategies:

**Overall** (44 Responses)



#### Union avoidance strategies by region





### **False Start:** Athlete Commissions as Effective Representative Bodies

#### "

The report recommended that the IOC must ensure 'the functioning of the Athlete Commission does not risk undermining athletes' ability to form or join trade unions of their choice and/ or bargain collectively.' Despite this, the IOC has resisted these calls and chosen to expand the AC model.

The IOC, World Anti-Doping Agency (WADA) and many other International Federations (IFs) belonging to the Olympic movement have established ACs as their preferred mode of athlete representation. These bodies are created and controlled under the rules of SGBs and embedded within their governance structures which compromises their independence.<sup>xxv</sup> Moreover, they are often engaged as part of wider union avoidance strategies.

For example, the IOC AC Regulations<sup>xxvi</sup> make clear that:

- Members have a primary duty to management and not the athletes. They are subservient to the IOC President (art 1.2), the Olympic Charter (OC) and other regulations of the Olympic Movement that have been created without athlete agreement.
- Members may be removed from office if they fail to deliver upon their obligations in the above respect (art 4.1).
- The AC is resourced and administratively supported by the IOC (art 5.4).
- Its methods of working are subject to approval by the IOC Executive Board (art. 5.6).
- There are limits with respect to its composition, which has an impact on the level of representation available to athletes (art. 2).
- Certain members are directly appointed by the IOC President (art. 2.3.2 and 13).

Although AC members individually are often well-intentioned, such restrictions mean they ultimately cannot effectively represent and negotiate on behalf of athletes in the same way as PAs when determining essential terms and conditions of work and play.

Given these limitations are common to all ACs, the <u>'Recommendations for an IOC Human Rights Strategy</u>' commissioned by the IOC and conducted by experts Rachel Davis and Prince Zeid Ra'ad al Hussein recommended major reforms. The report recommended that the IOC must ensure 'the functioning of the Athlete Commission does not risk undermining athletes' ability to form or join trade unions of their choice and/or bargain collectively.' Despite this, the IOC has resisted these calls and chosen to expand the AC model.<sup>xxvii</sup>

ACs are increasingly called out for their failure to voice an independent view at odds with management or to advance critical opportunities for athlete rights, including in relation to:

- The <u>IOC AC-driven process to develop the IOC Athletes</u> <u>Rights and Responsibility Declaration</u>, which is not based on nor accords with international human rights law.<sup>xxviii</sup>
- The review process of Rule 50 (2) OC, which was both procedurally and substantially flawed and failed to deliver the effective protection of athletes' freedom of expression.
- Its failure to protect the public and athletes' health through adequate Covid-19 protocols for the Olympic Games in Tokyo and Beijing and to oppose the shift of risks on the participating athletes through extensive waivers and limited insurance cover.
- Failing to advance the economic rights of athletes through the abolishment of Rule 40 OC that limits the earning potential of athletes at their most critical time when competing at the Games. Instead, it has defended an economic model where the athletes do not directly share in the enormous wealth generated by the IOC.
- Despite tremendous impacts on the careers and lives of athletes, the AC has failed to take a stand on scandals such as the government-orchestrated doping in Russia, the continued revelations of systemic abuse across sports, and the injustices produced through the current justice system, including the Court of Arbitration for Sport (CAS).

# Collective bargaining & meaningful engagement: in brief

Effective recognition of collective bargaining is a fundamental aspect of #R2O. It has provided the basis for arguably the most sophisticated system of industrial relations in the world and has been essential for:



Lifting wages and improving athlete livelihoods



Implementing proportionate and agreed restraints of trade



Providing for the efficient and effective resolution of disputes



Providing safer workplaces, including for mental health



Delivering personal development and wellbeing programs

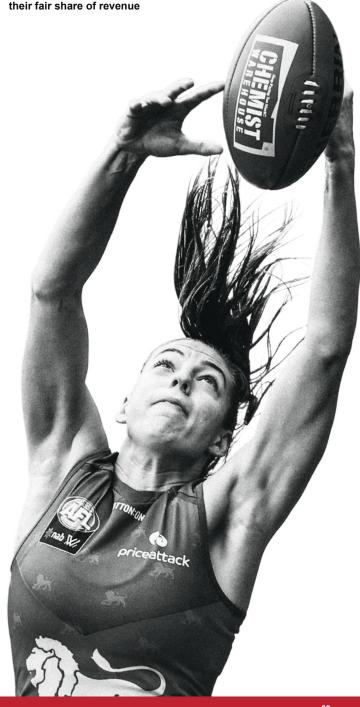


Providing access to protections for life after sport, such as insurances and pensions

At the same time, other types of social dialogue, including consultation and engagement, are far less likely to result in effective negotiated outcomes. Nevertheless, achieving meaningful consultation and engagement is far more likely through PAs when compared to other forms of athlete representation. Alternate bodies like ACs simply do not have a comparable track record when it comes to any of these matters.



Ensuring athletes receive their fair share of revenue



#### **Key findings:**



Over 67% of respondents had some type of formal agreement in place



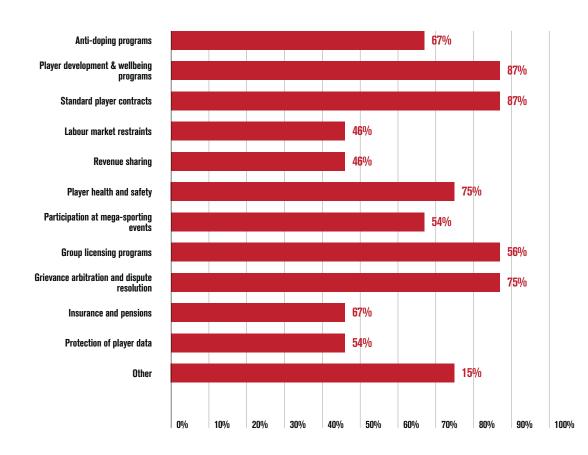
Coverage is highest in:

- Basketball (83%)
- Cricket (80%)
- Rugby (73%)
- USA and Canada (100%)
- Africa (86%)
- Asia and Oceania (78%)

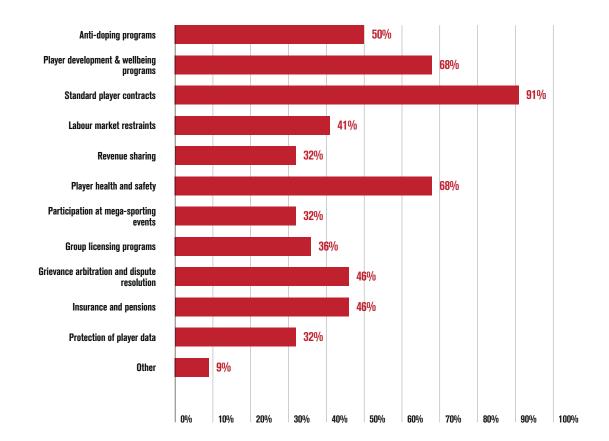


Although agreements have been reached at the global level in football, cricket and rugby, they do not cover the full range of conditions ordinarily subject to collective bargaining in their scope, and barriers exist elsewhere

#### Where CBAs, MOUs or industrial agreements were negotiated, the following matters were included in agreements (% by frequency):



Where no formal agreement was negotiated, the following matters were subject to meaningful engagement between PAs and their counterparts (% by frequency):





# Face-off: athlete representation in global sport

In more than 40 years of existence, the IOC AC has failed to reach an agreement on the most basic and fundamental matters affecting athletes, including terms and conditions of participation, remuneration, dispute resolution and health and safety. Accordingly, the most important terms and conditions of work and competition are unilaterally imposed upon athletes in Olympic disciplines. By contrast, their peers represented by PAs enjoy vastly better conditions as a result of collective bargaining, as outlined in the table below.

Category	% Negotiated in PA CBAs	Negotiated by IOC AC
Anti-doping programs	67%	Х*
Player development & wellbeing programs	87%	x
Standard player contracts	87%	x
Labour market restraints	46%	X
Revenue sharing	46%	X
Player health and safety	75%	X
Participation at mega-sporting events	54%	X
Group licensing programs	56%	X
Grievance arbitration and dispute resolution	75%	X
Insurance and pensions	67%	X
Protection of player data	54%	x

\*The World Anti-Doping Agency Athlete Commission does not even negotiate anti-doping policy.



## **Raising the Bar:** Bargaining at the Global Level



Bargaining at the global level represents a way forward to resolve many of the persistent regulatory and governance challenges facing global governing bodies and stakeholders. The global football players association, FIFPRO, has recently concluded significant agreements with both the World Leagues Forum (WLF),<sup>xxxi</sup> the major employer peak body in the sport, and the global governing body, the Fédération Internationale de Football Association (FIFA).<sup>xxxi</sup>

The groundbreaking 2022 Global Labour Agreement (GLA) concluded with the WLF and with support from the ILO aims to stabilise men's and women's professional football by strengthening employer and employee representatives and promoting fair conditions of employment. Similarly, the agreement with FIFA has resulted in significant gains, including the development of minimum labour conditions for women's football, which resulted in a new maternity policy and was incorporated into FIFA's statutes in 2020.

Similar advances have been made in rugby. International Rugby Players has a dedicated MOU with the governing body, World Rugby, on key matters, and it is also provided with representation within its key committees. Most recently, in June 2022, a collaborative effort between International Rugby Players and World Rugby, as part of an independent working group alongside leading health practitioners, led to the evidence-based decision to extend the period of time a player demonstrating concussion symptoms should be stood down.<sup>xoxiii</sup>

These examples show the benefits of what can be achieved when SBGs commit to working in partnership with the players.

The cooperation with and support of the ILO is essential at domestic, regional and international level to foster fundamental rights at work. Managing the future of work requires ever closer dialogue between employers and employees and we are happy that the GLA could showcase [...] the progress made on occupational health and safety in just a few months of the existence of this new international bargaining framework."

- Jonas Baer-Hoffmann, FIFPRO General Secretary



"

## **'Equal pay for equal play':** PAs leading the way towards pay equity



Over the past 5 years, several sports have been able to make strides toward pay equity in Australia and New Zealand, thanks in large part to pressure from PAs supported by principles developed by gender equity experts like consultant Yolanda Beattie.

In 2017, men and women cricketers, led by the Australian Cricketers' Association (ACA), negotiated a historic memorandum of understanding (MoU) which, for the first time in Australian Cricket, would include both genders in a revenuesharing model and also ensured that they would earn the same base contract remuneration as well as enjoy the same standard of travel and accommodation.

In 2022, the New Zealand Cricket Players Association (NZCPA) reached an agreement with New Zealand Cricket and regional associations, which was the first time men's and women's professional cricket environments were incorporated into one agreement with guaranteed equal match fees for all formats and competitions in New Zealand.

Also in 2022, The Australian Football League Players' Association (AFLPA) negotiated a new landmark CBA for female players, securing a 94% pay increase and greater access to facilities, improved workplace conditions such as the pregnancy and parental management policy, and more flexibility for players to manage dual careers. A deep relationship between the playing group and the AFLPA was critical to landing the agreement, a bold first step towards the players' aim for full-time professionalism by 2026. In further enhancing inclusion and diversity, a recent change to the AFLPA constitution embeds parity on the board, with equal representation of male and female players. Given that the AFLPA has only represented women players since 2017 with the advent of the AFLW, this is a significant step toward ensuring equal representation at all levels of the organisation.

We understood things had to change and to change, we had to understand what the problems were. We did a very deep dive on ourselves and a very deep dive with the industry to try to get an understanding of where the problems were and – really importantly – how we move out of this on the other side."

- Paul Marsh, AFLPA CEO



### **Collective & strategic action: in brief**

The ability to undertake collective and strategic action is a key means by which player associations and unions can defend, promote and advance player rights. Collective action includes the right to strike, which has been affirmed as being a key part of #R2O by specialist ILO bodies.<sup>xxxiv</sup>

Given the complexities of industrial relations systems throughout the world, collective & strategic action may take various other forms that are pursued to build leverage – for example, legal action or boycotts of official duties and campaigns.

Although less common, collective and strategic action is not limited just to player associations & unions. SGBs and employers do so as well, either through lockouts, pursuing action to challenge the legitimacy of the union or other means.

### **Key findings:**



Almost 80% of PAs have taken some type of collective or strategic action, with legal action (45%) and public campaigns (45%) being the most common



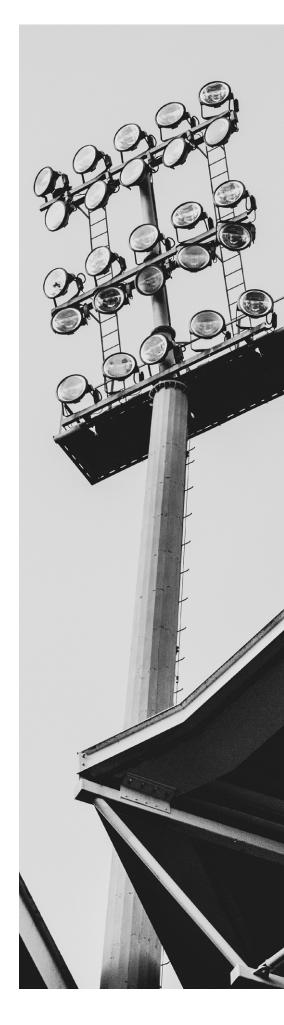
Collective action is also common across all regions, with 100% of PAs in the USA and Canada, Latin America and Africa indicating they have taken action. Europe had the lowest rate (71%)



The majority of PAs (86%) at the global level have also taken action to advance player rights. Given weaker industrial protections, legal action has been the most common (57%)



22% of responding PAs have faced employer action. The use of replacement players was particularly prevalent in football (20%)





## Slam Dunk: Athlete activism leading to social justice

In August 2020, in response to the police shooting of Jacob Blake in Wisconsin, USA, the players of the (National Basketball Players Association (NBPA) announced the decision to boycott their first-round playoff games, bringing their industry to a halt during arguably the peak time of their season.

The boycott ended only after the players had negotiated important outcomes with the league, including the use of some arenas as voting locations as well as the establishment of a league-wide social justice coalition.<sup>xxxv</sup> Their actions inspired players in other US sports leagues, including Major League Soccer (MLS), National Hockey League (NHL), National Football League (NFL), National Women's Soccer League (NWSL), Major League Baseball (MLB) and Women's National Basketball Association (WNBA), as well as players in other sports around the world, to show their support for the BLM movement through different demonstrations such as wearing BLM t-shirts or kneeling during the national anthem or prior to a match.

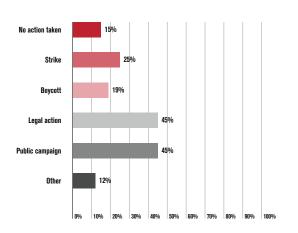
"

One of the reasons they [the players] decided to continue to play was because they saw the overwhelming amount of media attention that they received, and they observed the influence their behaviour had on athletes in other sports. It just underscores that if they really want to influence what's happening in this country, they can, and they can do it collectively in a way that sends a message throughout the country and around the world. To the extent the players didn't appreciate their reach, they certainly do now."

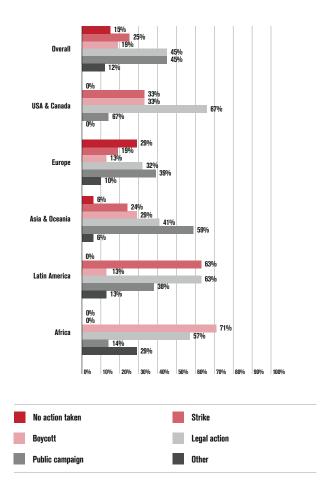
- Michele Roberts, former executive director of the NBPA

#### **Collective and strategic action:**





#### PA action by region





## **Golazo!:** PFA (Aus) strikes for gender equity

Following the end of the FIFA Women's World Cup in Canada in 2015, the Matildas – the Australian national women's football team and also members of Professional Footballers Australia (PFA Australia) – announced they were going on strike. Their prior 4-year CBA was ending, and the negotiations were not progressing as the players had hoped.

After the World Cup, players returned to their clubs around the world without certainty regarding the future of their contracts with the national sport governing body, Football Australia. Amidst this uncertainty, with players out of contract and in the middle of CBA negotiations, Football Australia scheduled an overseas friendly against the United States.

Not only were players unsure about their wages, but without contracts in place, they also did not know whether they would be covered if injured, what kind of insurance they had and what the travel conditions would be like. Leading up to the trip, the players were in constant communication with each other regarding both the tour and the stagnated CBA negotiations.

With solidarity and support from the men's national football team, the Socceroos, the players decided to go on strike and refused to travel. Goalkeeper and PFA Executive Committee member Lydia Williams announced the strike in front of national media.

The players' decision was met with vast approval from the public, and Football Australia had no choice but to come to terms for a new CBA. This significant step by the players would ultimately lead to the Matildas achieving equal conditions and pay equity in 2019.

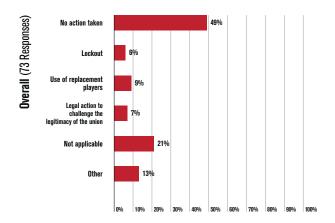
The collective action taken by the Matildas inspired many others, including players in Norway, Spain, Argentina and the USA, who also used the power of the collective to strike for enhanced conditions and dignity in women's sport. And [the strike] worked. They [Football Australia] saw and understood our passion and our commitment, and the potential we have as a team. And with the support of the Socceroos and the PFA, we were able to move forward together. For us, that was the biggest thing: there has been solidarity and support throughout football in Australia, in all organisations and teams and people. At the end of the day, it was never just one person's choice or decision: it was everyone banding together and saying, "we have your back." That moment was a reminder that there's always power in numbers and that change can happen when people work together for it."

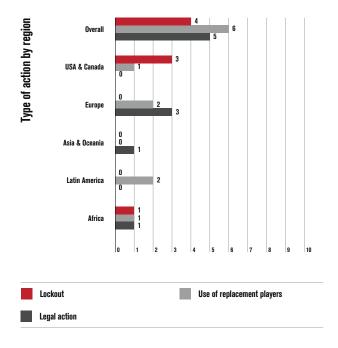
"

- Lydia Williams, Matildas goalkeeper and PFA Executive Committee member

#### **Employer action:**

TYPE OF ACTIONS	NUMBER OF PAS AFFECTED
Lockout	4
Use of replacement players	6
Legal action	5











## The GPA Takes A Stand

The Gaelic Players Association (GPA) represents 4000 players on the intercounty level in male and female categories of Gaelic games. Although players in the Gaelic codes are amateurs, they have strong representation in the GPA. The governing body of Gaelic Games, the Gaelic Athletic Association (GAA), is a big business in Ireland and in 2021 generated €87 million in revenue, of which approximately 80-85% are related to the intercounty game.

In 2022, as revenue improved with the worst impacts of the pandemic behind, the GAA decided to maintain its reduced welfare provisions (expense reimbursement, supplies etc.) for players, which were initially agreed with the GPA to support the industry's recovery. It also further attempted to reduce squad sizes and funded sessions, putting more pressure on already intensive load demands.

In response, the players collectively decided to stand down from their engagements with media and corporate sponsors around games which ultimately led to a favourable resolution of the dispute.

It sent out a very firm message that players were against this measure, and we did get a satisfactory conclusion to that particular season. (...) It showed players themselves what could be achieved if you organise collectively."

- Eamonn Murphy, GPA Representation Manager

## Barriers to #R20: in brief

Despite the obligations of governments who have a duty to protect #R2O under national law, various barriers to its enjoyment exist. These include:

- Specific barriers for athletes that do not apply to other workers – for example, the enactment of sport-specific laws and legislative carve-outs.
- Wider problems within national industrial relation systems, including inadequate enforcement of existing laws.
- Pervasive anti-union cultures.

In all cases, athletes are entitled to have their rights protected, respected and upheld like all other workers.

## **Key findings:**



The status of athletes as workers is the most significant obstacle to #R20 (38%)



1 in 3 PAs identified an anti-union culture and lack of protection for fundamental labour rights as major barriers to #R2O



The biggest challenges to #R2O identified by PAs in Africa are the lack of enforcement of existing laws and lack of access to remedy. In Latin America (57%) and Asia and Oceania (54%), the biggest barriers are sport-specific legislation and carve-outs

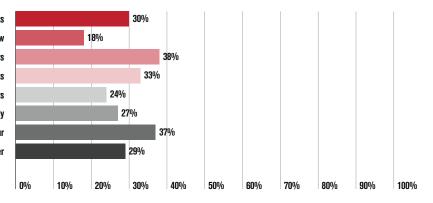


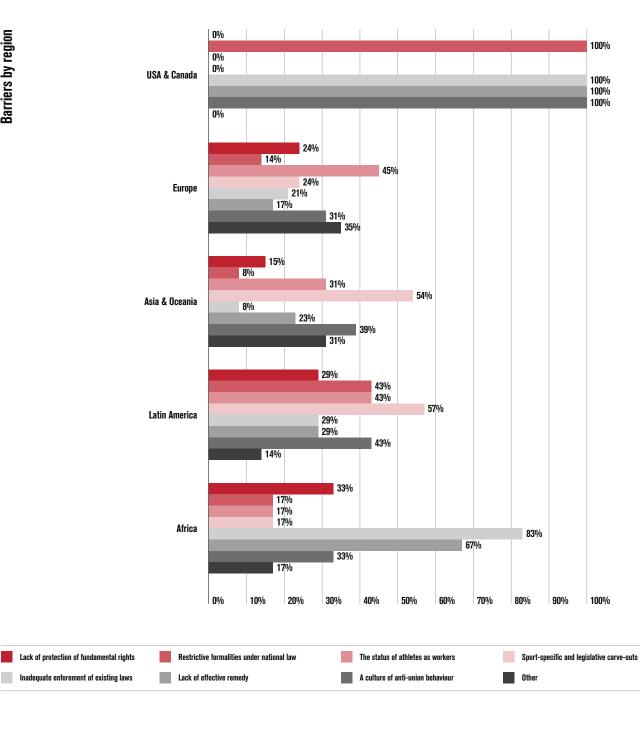
6 out of 7 global PAs considered the lack of protection for fundamental labour rights as the most significant barrier



**Overall** (63 Responses)

Lack of protection of fundamental rights Restrictive formalities under national law The status of athletes as workers Sport-specific and legislative carve-outs Inadequate enforement of existing laws Lack of effective remedy A culture of anti-union behaviour Other





**Barriers by region** 

# **Red Card:** Union busting in Korea



Korea has a notoriously anti-union culture which makes it difficult to organise workers, so when the players took the brave decision to establish the Korean Pro Footballers Association (KPFA) in 2017, they were bound to experience challenges.

Since the KPFA's foundation, players have faced significant pressure from clubs and influential businesses pursuing a 'nounion' policy.

At the same time, the employers have systemically refused to engage with the KPFA on essential employment matters.

When we started to organise players in Korea, many people said 'It's mission impossible' and 'You should quit, otherwise you will have a problem ... and the players will have problems'. And the players had problems. One of the senior international players leading the establishment of the player association suddenly quit, and we couldn't even get hold of him. He changed his mobile phone number; it is really shocking, but it is the reality. We can only imagine that he disappeared because the pressure was so huge."

- Takuya Yamazaki, Chairman of FIFPRO Asia/Oceania



"

## **Red Card:** Anti-Union culture in Colombia

Since its creation in 2004, ACOLFUTPRO has fought to support and defend the rights of Colombia's professional footballers, both men and women; however, both the federation (FCF) and the professional league (Dimayor) refuse to collectively bargain and recognise the association as an official representative of the players. Two main factors have contributed to the challenges faced by ACOLFUTPRO to organise: 1) high levels of retaliation against union activity in the country and 2) the culture of Colombian professional football. Between 2014 and 2017, 84 people were killed and almost 700 more received threats for exercising the right to organise in Colombia. At the same time, the historic relationship between narcotrafficking and professional football clubs in the country, along with the informal nature of footballers' labour, has made it difficult and even dangerous for players to get organised or take collective action.

Nevertheless, ACOLFUTPRO has used national law and international conventions to establish legal precedents to protect players' rights. In September 2019, the association filed a list of petitions regarding the organisation of competitions and working conditions to be negotiated at the offices of the FCF and Dimayor but were ignored. So, in 2021, ACOLFUTPRO filed a complaint with the ILO against the federation and the league for violating the players' right to due process, breaching ILO conventions 87, 98, and 154.xxxvi This complaint led to an investigation by the Colombian Ministry of Labour into the federation and the league's refusal to negotiate, with the ILO offering to mediate the conflict, which could potentially open the door to establishing collective bargaining in Colombian football.

The women's game has also provided the opportunity for the association to shine a light on the issue of working conditions and the suppression of worker rights in football. In March 2019, ACOLFUTPRO accompanied a group of brave national team

players to file a complaint against the federation for abuse and harassment – including sexual abuse and harassment, poor working conditions, having to pay to travel for national team camps and competitions, blacklisting of players who raised their voice, and non-payment of stipends and prize money. The complaint, along with the social pressure generated by the players' campaign, led to a collaboration between the federation and ACOLFUTPRO to improve the conditions of its women's national teams and ensure the survival of the domestic women's professional league.

(alia

It's a culture which doesn't exist in Colombia. Those two factors made the process of starting a union so difficult, so complex: first, the high risk associated with the exercise of union activity and second, the informal culture in which Colombian football was developed. But, since the foundation of the players association, things started changing. We started making sure the norms were enforced, we worked for players to be recognised as workers."

> - Carlos Puche, Co-Founder ACOLFUTPRO & FIFPRO Global Board member

# Conclusion: Embedding Respect for #R20

This report has demonstrated that although #R2O is normalised throughout global sport, many barriers limit its full enjoyment. As outlined, the key actors in global sport – whether the leagues which employ athletes, national or global governing bodies which (often unilaterally) determine key conditions of work, or States which are responsible for setting and providing standards of decent work – each have a responsibility to protect and respect labour and human rights and provide remedy when these rights are violated, including in relation to #R2O.

This report has told the stories of brave player activists who have been subject to appalling harassment, abuse and even criminal threats in their struggle with their player associations and unions for enhanced dignity and working conditions on and off the field of play.

This report has also empirically demonstrated the ineffectiveness of alternate modes of athlete representation that do not respect #R2O and are often perpetuated through sophisticated union avoidance strategies. There are thousands of athletes throughout the world in prominent Olympic sports,

including swimming, tennis and athletics, who are forced to compete in circumstances and environments that fall well below the standards of their fellow athletes who compete where #R2O is respected.

Moreover, widespread harm has often resulted from power imbalances in these sports, and athletes worldwide are still failing to receive their fair share of the enormous wealth they generate.

The industry can do better.

There are thousands of athletes throughout the world in prominent Olympic sports, who are forced to compete in circumstances and environments that fall well below the standards of their fellow athletes who compete where #R20 is respected.

#### All actors must:



 Commit and comply: with their respective international human rights obligations and responsibilities, particularly in relation to #R2O.



2. Recognise and promote: the representatives of those athletes who have exercised their right to #R2O, including World Players and its affiliated player associations.



 Do no harm: do not act in a way that undermines or violates the rights of athletes to be represented in accordance with their internationally recognised human rights.

## **Governments must:**

1.

2.

3.

4.

5.



Ensure the effective enactment and enforcement of the FPRW and their application to all, including athletes.



Review existing legislation, policies, and their implementation to ensure players are not deprived or limited from exercising #R2O, including the repeal of sportspecific laws that deny the status and protection of athletes as workers.



Take all appropriate, effective and available means, such as the adoption and implementation of labour legislation, policies, and the availability and accessibility of effective enforcement and grievance mechanisms, to protect players against acts of anti-union conduct, including through effective remedy mechanisms.



Ensure policies in the field of sport are aligned with wider decent work objectives.



Promote adherence to the UNGPs (including respect for #R2O) by SGBs and employers through a smart mix of measures and incentives, including as a condition for government funding.



#### SGBs and employers must:



1. Commit to respect the internationally recognised human rights of players, including #R20 under the UNGPs, including #R20 under the UNGPs, embed the commitment in a binding way into statutory documents and key regulations, assign dedicated responsibilities and ensure human rights capacities at the operational and highest executive levels.



2. Comply with national labour laws, and the ILO FPRW Declaration. In case of conflict, the standard providing higher protection for the player should prevail.



- 3. Provide access to effective remediation where #R2O has been violated.
- 4. Conduct ongoing human rights due diligence on risks to #R2O at the different levels of global sport. This should include:
  - a. Identifying and assessing the most salient risks to and adverse impacts on #R2O as identified through meaningful engagement with players and their representatives.
  - b. Addressing the identified risks and impacts, including by:
    - i. Abstaining from anti-union conduct and recognising the chosen representatives where players have exercised #R2O;
    - ii. Providing a safe and enabling environment for players to effectively exercise #R2O, including through access to facilities and transparent information sharing;
    - Promoting respect for #R2O throughout all levels of sport, including by providing guidance and training;
    - Where applicable, require other bodies under their influence or remit to respect #R2O (e.g., national-level governing bodies of international federations, such as the FA in England).
  - c. Tracking the effectiveness of measures.
  - d. Meaningfully engaging with players and their representatives and communicating transparently about actions taken.

Doing so will not only deliver enhanced dignity and respect for the human rights of athletes but also the win-win benefits enjoyed in many other parts of global sport that can only be achieved through embedding respect for #R2O.

# Abbreviations and Common Terms

#R20 - Right to organise and collectively bargain

AAA - Australian Athletes Alliance

AC – Athlete commission

ACA - Australian Cricketers Association

ACOLFUTPRO - Asociación Colombiana de Futbolistas Profesionales (Colombian Professional Footballers Association)

AFLPA – Australian Football Players Association

**ANFPG** – Association Nationale de Footballeurs Professionnels du Gabon

BLM - Black Lives Matter

CAS - Court of Arbitration for Sport

CBA - Collective bargaining agreement

CGF - Commonwealth Games Foundation

EU Athletes - European Elite Athletes Association

FA - The Football Association

FCF - Colombian Football Federation

FICA – Federation of International Cricketers Association

FIFA - Fédération Internationale de Football Association

FIFPRO - World Football Players Association

FPRW – Fundamental Principles and Rights at Work

GAA - Gaelic Athletic Association

GLA - Global Labour Agreement

**GPA** – Gaelic Players Association

ICC - International Cricket Council

IF – International Federation

ILO - International Labour Organisation

IOC – International Olympic Committee

IRP - International Rugby Players

**KPFA** – Korean Professional Footballers Association

MLB - Major League Baseball MLBPA - Major League Baseball Players Association MOU - Memorandum of understanding NBPA - National Basketball Players Association NFL - National Football League NFLPA - National Football League Players Association NOC - National Olympic Committee NHL – National Hockey League NWSL - National Womens' Soccer League NZAF - New Zealand Athletes Federation NZCPA - New Zealand Cricket Players Association OC - Olympic Charter OECD - Organisation for Economic Co-operation and Development PA – Player association PFA Australia - Professional Footballers Australia SGB - Sport Governing Body TCA - The Cyclists' Alliance UDPR - Universal Declaration of Player Rights UEFA - Union of European Football Associations **UN** – United Nations UNGPs - United Nations Guiding Principles on Business and Human Rights USA - United States of America WADA - World Anti-Doping Agency WLF - World Leagues Form

WNBA - Women's National Basketball Association

WNBPA - Women's National Basketball Players Association

WPA - World Players Association

# References

- World Players Association, 'The Economics of International Sport Governing Bodies - Comparative Review' (February 2020) <<u>https://uniglobalunion.org/</u><u>wp-content/uploads/WPA\_Economics-of-ISFs-2020\_FINAL-1.pdf</u>> accessed 07 December 2022.
- World Players Association, 'Freedom of Association and the Legitimacy of Global Sports Law' (20 June 2018).
- iii Art. 3 ILO Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87); Art.
  1, 2 (1) ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98).
- ILO Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87) (adopted 09 July 1948, entered into force 04 July 1950).
- ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98) (adopted 8 June 1949, entered into force 18 July 1951).
- vi FIFA, 'FIFA Statutes' (May 2022), Art. 3 <<u>https://digitalhub.fifa.com/m/8222fe0e3964060/original/FIFA-LEGAL-HANDBOOK-EDITION-SEPTEMBER-2022.pdf</u>> accessed 07 December 2022; FIFA, 'FIFA's Human Rights Policy' (May 2022) <<u>https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwr1uhqy2lh6r-pdf.pdf</u>> accessed 07 December 2022.
- vii IHRB, 'UEFA announces new human rights requirements for 2024' (01 May 2017) <<u>https://www.ihrb.org/news/uefaannounces-new-human-rights-requirements-for-2024</u>> accessed 07 December 2022.
- viii IOC, 'IOC Strategic Framework on Human Rights' (IOC Human Rights Framework) (September 2022) <<u>https://stillmed.olympics.com/media/</u> <u>Documents/Beyond-the-Games/Human-Rights/</u> <u>IOC-Strategic-Framework-on-Human-Rights.</u> <u>pdf?\_ga=2.163721465.799983208.1670408894-</u> <u>780911208.1653055221</u>> accessed 07 December 2022.
- ix As outlined in Principle 12 UNGPs, the International Bill of Rights includes Universal Declaration of Human Rights (1948) (UDHR), the International Covenant on Civil and Political Rights (1966) (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR).

- xi European Commission, 'Annual Review by the Commission of Member States' Annual Activity Reports on Export credits in the sense of Regulation (EU) No 1233/2011 (24 March 2022) COM(2022) 115 final <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022DC0115">https://Eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022DC0115</a>> accessed 07 December 2022; see also the recommendations by OECD – OECD, 'Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence' (2022) OECD/LEGAL/0393, p. 7 <a href="https://legalinstruments.oecd.org/public/doc/280/280.en.pdf">https://legalinstruments.oecd.org/public/doc/280/280.en.pdf</a>> accessed 07 December 2022.
- xii Paras 48, 49 and 55 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017).
- xiii Para 48 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017).
- xiv Paragraph 10 ILO Workers' Representatives Recommendation (R143) (adopted 02 June 1971); ILO Committee on Freedom of Association, Case No 2450 (Djibouti) (November 2007) Report 348, para 553; ILO Committee on Freedom of Association, Case No 2450 (Plurinational State of Bolivia) (November 2014) Report 373, para 76.
- Art. 2 ILO Convention concerning Workers' Representatives Convention (No. 135) (adopted 02 June 1971, entered into force 30 June 1973); Chapter V Nr 2
   a) OECD, OECD Guidelines for Multinational Enterprises (2011); Para 57 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017).
- See for example ILO Committee on Freedom of Association, Case No 3063 (Colombia) (June 2015) Report 375, para 132; ILO Committee on Freedom of Association, Case No 2803 (Colombia) (June 2011) Report 360, para 342.
- xvii Para 63 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017).
- xviii Paras 60, 67 f.ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017).

x Principle 4 UNGPs.

- xix See generally on the necessity for employers to exercise restraint on interfering with union internal affairs ILO Committee on Freedom of Association, Case No 2789 (Turkey) (March 2012) Report 363, para 2789.
- xx See among others ILO Committee on Freedom of Association, Case No 2825 (Peru) (November 2011) Report 362, para 1253.
- xxi ILO Committee on Freedom of Association, Case No 2842 (Cameroon) (November 2011) Report 362, para 419.
- xxii Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Bosnia and Herzegovina (dopted 2020, published 109th ILC session 2021) <<u>https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:1 3100:P13100\_COMMENT\_ID,P13100\_COUNTRY\_ID:4058103,102704:NO> accessed 15 December 2022.</u>
- xxiii World Players Association, 'Universal Declaration of Player Rights' (2017) <<u>https://uniglobalunion.org/report/universal-</u> <u>declaration-of-player-rights-2/</u>> accessed 12 December 2022.
- xxiv See for example ICSSPE, 'Conventions, Declarations and other guiding documents' https://www.icsspe.org/content/ conventions-declarations-and-other-guiding-documents accessed 15 December 2022; Council of Europe, 'Guidelines on Integrity in Sport - Kazan Action Plan: Online database - good practice examples and legal references' https:// www.coe.int/en/web/sport/-/universal-declaration-of-playerrights-november-2017 > accessed 15 December 2022; Jürgen Mittag et al, Evaluation Report -Good Governance In The Employment Relations Of Athletes In Olympic Sports In Europe (June 2022) p. 6 < https://www.dshs-koeln.de/ fileadmin/redaktion/Institute/Europaeische\_Sportentwicklung\_ und\_Freizeitforschung/pdf/Evaluation\_Report\_EMPLOYS\_ Good Governance in ER of Athletes in OS.pdf> accessed 15 December 2022; CAS, 'Sport And Human Rights - Overview from A CAS perspective' (20 June 2022) https://www.tas-cas.org/fileadmin/user\_upload/2022.06.20 Human\_Rights\_in\_sport\_20\_June\_2022\_.pdf accessed 15 December 2022.
- xxv World Players Association, 'WADA Governance Review: A Missed Opportunity For Urgently Needed Reform' (24 November 2021) <<u>https://uniglobalunion.org/news/wadagovernance-review-a-missed-opportunity-for-urgentlyneeded-reform/</u>> accessed 13 December 2022.
- xxvi IOC, 'The IOC Athletes' Commission Regulations' (December 2021) <<u>https://olympics.com/athlete365/app/uploads/2021/12/</u> IOC-Athletes-Commission-Regulations-EN-December-2021. pdf> accessed 13 December 2022.
- xxvii IOC Human Rights Framework (note x), p. 38 ff.
- xxviii World Players Association, 'Player unions denounce IOC Athletes' Declaration' (10 October 2018) <<u>https://uniglobalunion.org/news/player-unions-denounce-ioc-athletes-declaration/</u>> accessed 13 December 2022.
- xxix FIFPRO, 'World Leagues Forum and FIFPRO establish

global employment relations structure in professional football' (25 September 2022) <<u>https://fifpro.org/en/who-we-are/</u> what-we-do/foundations-of-work/fifpro-and-world-leaguesforum-establish-global-employment-relations-structure-inprofessional-football/> accessed 13 December 2022.

- xxx FIFA, 'FIFA and FIFPro sign landmark agreement and announce measures to enhance professional football' (06 November 2017) <<u>https://www.fifa.com/about-fifa/ organisation/media-releases/fifa-and-fifpro-sign-landmarkagreement-and-announce-measures-to-enhan-2918747</u>> accessed 13 December 2022.
- xxxi FIFPRO, 'World Leagues Forum and FIFPRO establish global employment relations structure in professional football' (25 September 2022) <<u>https://fifpro.org/en/who-we-are/</u> what-we-do/foundations-of-work/fifpro-and-world-leaguesforum-establish-global-employment-relations-structure-inprofessional-football/> accessed 13 December 2022.
- xxxii FIFA, 'FIFA and FIFPro sign landmark agreement and announce measures to enhance professional football' (06 November 2017) <<u>https://www.fifa.com/about-fifa/</u> organisation/media-releases/fifa-and-fifpro-sign-landmarkagreement-and-announce-measures-to-enhan-2918747> accessed 13 December 2022.
- xxxiii International Rugby Players, New concussion protocols part of "culture change" in the game (21 June 2022) <<u>https://www. rugbyplayers.org/new-concussion-protocols-part-of-culturechange-in-the-game</u>> accessed 13 December 2022.
- xxxiv ILO Committee on Freedom of Association, Case No 2838 (Greece) (November 2011) Report 362, para 1077.
- xxxv Paul Frymer and Jacob M. Grumbach, 'The NBA strike is a big moment for athlete activism — and the labor movement in America' (04 September 2020) <<u>https://www.vox.com/</u> <u>first-person/2020/9/4/21420033/jacob-blake-nba-strike-2020black-lives-matter</u>>.
- xxxvi ILO Convention concerning Collective Bargaining (No 154) (adopted 03 June 1981, entered into force 11 August 1983).



\*\*\*

Inheritance Leadership Support Legacy



WORLD PLAYERS ASSOCIATION

UNI Global Union 8-10 Avenue Reverdil, 1260 Nyon, Switzerland p +41 22 365 2100
f +41 22 365 2121
www.worldplayers.co

#WorldPlayersUnited

#### VOICE - DIGNITY - HUMANITY