



Deutsche  
Sporthochschule Köln  
German Sport University Cologne

# Towards new modes of conflict and representation?

## The rise of labour relations in European sport

Play The Game Conference 2017 „Riding waves of change“  
Panel: Athletes' rights and monopoly powers

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## Case studies from October/November 2017

- **Russia: Alexander Legkov and E. Belov receive life bans for doping**
  - Legkov won men's 50km freestyle gold and silver in the 4x10 km relay in Sochi
  - punished by the IOC's investigation into claims of Russian doping made in the 2016 McLaren report
  - Attorney Wieschemann claims that L. has personally never tested positive for doping
- **USA: Colin Kaepernick files lawsuit against NFL owners over collusion**
  - Kaepernick's protest against racial injustice in the US,
  - former San Francisco 49ers quarterback has hired attorney Mark Geragos and will claim NFL owners have colluded to keep him out of the league
- **Denmark: Football fed. (DBU) cancelled women's qualifier against Sweden**
  - Protest of players against unequal payment
  - women's football team signed four-year collective agreement with DBU
  - DBU guarantees a 60 per cent increase in player's salaries if the team qualifies for a tournament along with bonuses
- **Hungary: Triple Olympic gold medallist Katinka Hosszú Hosszú announces launch of Global Association of Professional Swimmers**



## The Case of Football

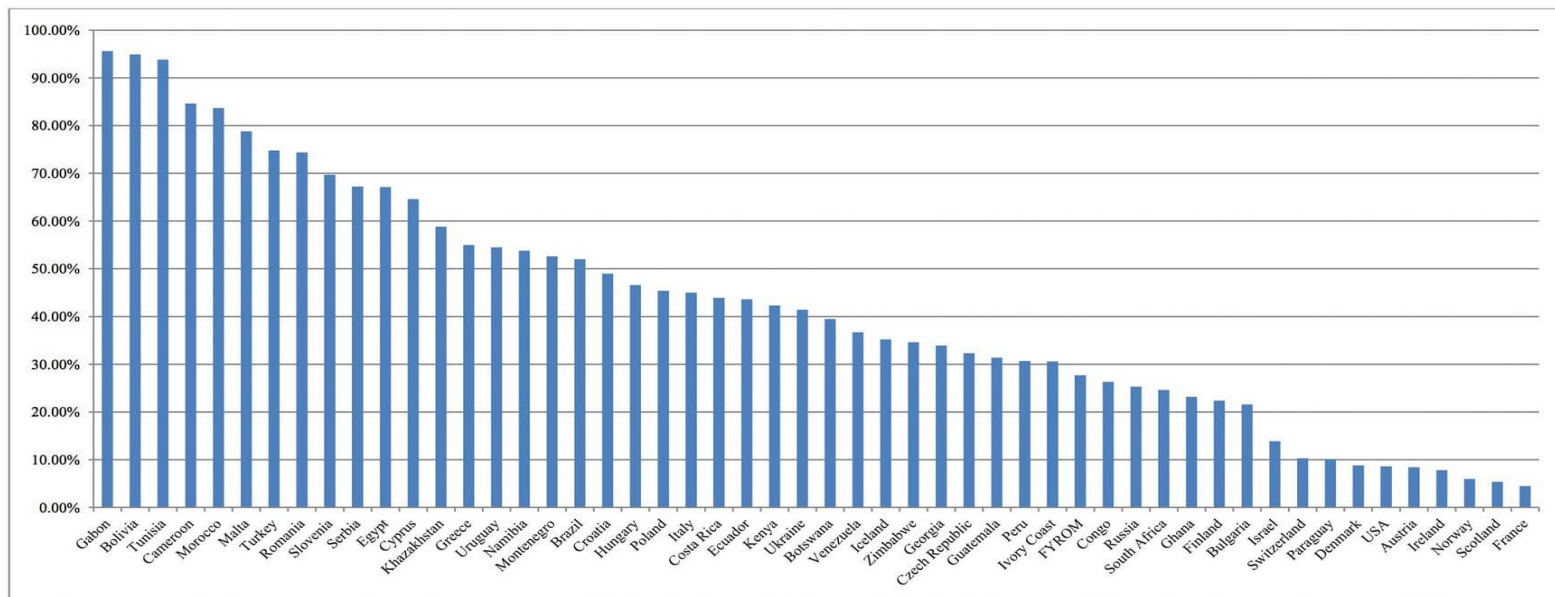
### ▪ **FIFpro Global employment report (2016)**

- Up to 14,000 footballers working in 54 countries across Europe, the Americas and Africa returned questionnaires (no participation of English, Spanish and German leagues)
- 41% players experienced delayed salary payments over last two seasons
- FIFA rules allow clubs to pay players up to 90 days after the due date; beyond this point a player is permitted to unilaterally breach his contract
- report found 78% of late payments fell within that three-month window
- the median net monthly income of those surveyed is between \$1,000 (£804) and \$2,000 a month
- Over 6% of players had been forced to train alone by a club (especially to be experienced by foreigners); 22% were aware of the practice
- 10% of players had been threatened by fans, club management or fellow professionals during their career



# The Case of Football

Figure 5.2 Payment delays per country





## Background and Effects

- Increasing commercialisation and medialisation of sport
- Increasing amount of conflicts in organised sport (various kinds of protests)
- National associations and European (con)federations are challenged by the demands of players/athletes
- Traditional unions do not have an interest engaging in sport related matters
- professional players/athletes establish independent athletes representations with different
- teams sports takes the lead
- Amateur sport adopts some of these mechanism and structures for own interest representation
- Stronger orientation on US sports (lock-outs and strikes) ?



#WORLDPLAYERSUNITED





	Foundation	Members	(Major) Activities
Vereinigung der Vertragsfußballer (VDV)	15. June 1987	Individual 1.300	Services and support for professional (ex-) players
spieler.initiative basketball (SP.IN)	2005	around 150	Services Promotion of standards
Berufsverband der Trainer/innen im deutschen Sport e.V.	2012	Around 200	Support and Services Claiming for proper payment Improvement of contract regulations Improvement of retirement regulations
GOAL Deutschland - Gemeinschaftliche Organisation für alle Lizenzhandballer in Deutschland e.V.	2010		Establishment of European Handball Player Union Communication and exchange with Group Club Handball Improvement of player's schedule Homogenous contract regulations
Fifpro (Europe)	15. December 1965	60 full members (national players' associations), 5 candidate members and 5 observer members FIFPro Division Europe consists of 30 member associations	Awards Communication and Cooperation with FIFA, UEFA as well as European parliament and the European Commission (six-year cooperation agreement with FIFA) legal challenge against the transfer system and player agents "Black Book <i>Eastern Europe</i> "
EU Athletes	2007	25.000 professional athletes from 35 countries	rule 40
European Association of Sport Employees	2003		
UNI Sport Pro, the professional sports sector of trade union international			
National, European and International Athletes commissions			





## Fields of conflict and activity: agenda setting

- Working conditions
- Formal and informal modes of employment
- Payment conditions
- job-related incapacity / occupational disability
- Role of player agents
- Role of CAS and lex sport
- Standards of contracts
- Gender equity
- Situation of young players / non-adults
- Dual career
- Qualification during professional career
- Security systems
- Schedule of players/athletes



## Three short term scenarios for professional sport

- Legal conflicts
  - National labour law will increasingly be addressed
  - The role of sport specialised attorneys will increase
  - Players/athletes become aware of professional representation
  
- Associations/(con-)federations will cautiously react
  - Some topics will be covered and regulated by sport associations
  - e.g. role of player role in professional football or schedule in professional handball
  
- Club's activities prevail
  - make use of loopholes and flexibilities in national labour law
  - increasing professionalisation and enhanced communication with associations



# Three medium/long term scenarios for professional sport

- Professionalisation of interest representation of players/athletes
  - Establishment of further Independent institutions
  - Own office / not necessarily same place where national association
  - Important role of legal experts (labour law)
  - Growing number of conflicts
  
- Governmental intervention and regulation
  - Growing number of conflicts leads to pressure on governments
  - Governments intervene in professional sport
  - Regulation of major parts of sports law / limited number of exceptions
  
- Europeanisation of interest representation of players/athletes
  - Activities at European level rather than national level
  - Using social dialogue
  - Interacting with European Commission / G14
  - no co-determination



## Three scenarios for amateur sport

- National governments intervene
  - pressure on national governments
  - number of exceptions will be limited (minimum wages)
  
- Clubs will become more professionalised
  - Legal expertise in board
  - More full time employees will be hired, especially coaches
  - Structures of clubs will change >> cooperation with schools and companies
  
- Coaches and other stakeholders support own representation
  - New organisation will emerge
  - Existing ones will become more important and powerful
  - Role of traditional trade unions is not clear yet

**-> General Trend: new modes of conflict and representation**



# Increased Lobbying (Strategies of Interest Groups)

## STRATEGIES OF INTEREST GROUPS

### INSIDE LOBBYING

interest groups try to **influence policy-making from within**, by becoming a part of deliberations on policies

### OUTSIDE LOBBYING

interest groups try to put **pressure on policy-makers from the outside**, by staging public protests and involving the media



Name of Organisation	Abbreviation
European Olympic Committees	EOC
European Non-Governmental Sports Organisation	ENGSO
Federation of the European Sporting Goods Industry	FESI
European Health and Fitness Association	Europe Active
International Centre for Sports and Security Europe	ICSS Europe
Think Tank Sport et Citoyenneté/ Sport & Citizenship	
European Platform for Sport Innovation	EPSI
European Capitals and Cities of Sport Federation	ACES Europe
European Multisports Club Association	EMCA
European Healthy Lifestyle Alliance	EHLA
L'Association des Acteurs de l'économie du sport	Sporsora
European Federation of Company Sports	EFCS
European Confederation of Outdoor Employers	EC-OE
The European Federation of Sport Medicine Associations	EFSMA
The European Network of Outdoor Sports	ENOS
The European Network of Academic Sports Services	ENAS
European Specialist Sports Nutrition Alliance	ESSNA
European Outdoor Group	EOG
Association of European Professional Football Leagues	EPFL
European Club Association	ECA

Name of Organisation	Abbreviation
EU Sport Link Initiative of Flemish Sport Federation & Flemish Institute for Sport Research	
Association of European Manufacturers of Sporting Ammunition	AFEMS
International Sport and Culture Association	ISCA
Sport Culture Media & Diplomacy	SCMD
The Association For International Sport for All	TAFISA
Confederation Europeene Sport Sante	CESS
Institut Européen des Armes de Chasse et de Sport	IEACS
European Elite Athletes Association	EU Athletes
Sports Rights Owners Coalition	SROC
European Pari Mutuel Association	EPMA
Association of European Manufacturers of Sporting Firearms	ESFAM
Europe Air Sports	EAS
European University Sports Association	EUSA
European Paralympic Committee	EPC
Special Olympics Europe Eurasia	SOEE
European Association of sport employers	EASE
Alliance of European Football Coaches' Associations	UEFT
European Athletics Coaches Association	EACA
FIFPro Division Europe	
Association of European National Olympic Academies	ENOA



# Academic Considerations

## Topic(s) will be addressed by more and different disciplines

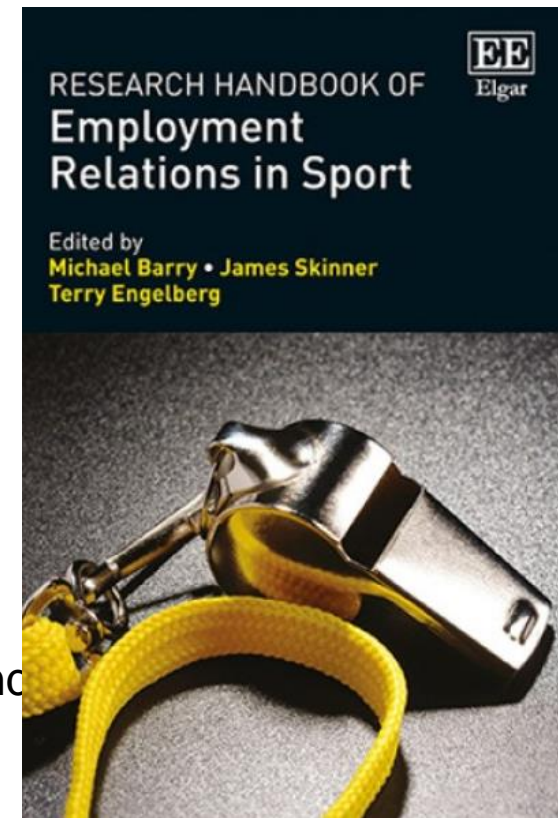
- Legal sciences, economy, political science

## Empirical studies as starting point

- reliable data beyond surveys
- in-depth case studies
- comparative studies
- taking into consideration various national backgrounds (politically)
- effects of Europeanisation

## Theoretical reflections

- adapting knowledge from (traditional) industrial / social relations
- Offers from theories on action, representation etc.
- adapting knowledge from cooperation and conflicts in other areas





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