

# STRENGTHENING ATHLETE POWER IN SPORT

Final report

Report / September 2023



Strengthening  
Athlete Power  
in Sport



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# STRENGTHENING ATHLETE POWER IN SPORT FINAL REPORT

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Strengthening Athlete Power in Sport – Final report

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## Foreword: Athletes are not always right, but they always have rights

**Athletes should not be subjects of the governance of their sport, they should be subjects in the governance of their sport. Sport must recognise their freedom to associate and right to organise.**

In my early teens, when my family got our first TV set, I discovered the wonders of live sports broadcasting.

One of the athletes that would soon appear in flickering black and white footage, was an athlete my age. This child gymnast performed with artistic elegance and perfection that nobody had seen before, and her scores exceeded what the light boards were able to show. She was named 'Sports woman of the year' by several international media outlets/personnel and became an Olympic icon.

During training, this world star enjoyed 'privileges' that nobody would envy her. She would be routinely yelled at by her coach, who called her useless, fat, a sow, a medal-winning cow, good-for-nothing, and worse.

When she made errors practising her artistry, she was severely beaten, often with blows to the head until her nose bled. She was forced to train with painful injuries. Against medical advice, and in spite of the eight-hour long, hard physical training all through the week, a dietary regime was forced upon her akin to starvation.

She and her team-mates wrote desperate letters to their country's dictator, begging to be freed of their local tyrant. Everything was duly registered, but no action was taken.

When at one point she succeeded in escaping from her daily terror, the national intelligence service – that went by the name Securitate (Security) – was mobilised and brought her back within 24 hours. Almost every person in the athlete's club was employed to spy on each other, and most people – including the athletes – were wiretapped in their homes.

In the defence of Securitate (of which there is little else positive to report), its leading officers were among the few – apart from the mother – to express concerns about the athlete's mental and physical health.

The athlete of course was Nadia Comaneci, a gymnast from Romania, a once global household name. Her career has been charted by historian Stejărel Olaru in the book 'Nadia Comaneci and the Secret Police: A Cold War Escape'.

Most grown-ups around the club, in the federation, in the nation, in the Olympic movement, and in the world public, sensed that these child gymnasts were subject to inhumane treatment.

Yet instead of intervening, the audience kept cheering, and so the coaches of hundreds – if not thousands – of children started to emulate those extraordinarily successful training methods.

## Changing times?

Fortunately, this is a long time ago. It was during the Cold War – the Romanian dictatorship has now crumbled.... it was another time.

Or was it?

It is obvious that Nadia Comaneci's case represents an extreme and, hopefully, only a minority of elite athletes today must suffer such aggregated forms of abuse 24/7.

But have coaches really stopped yelling nasty words at children?

Are athletes no longer beaten or exposed to physical and psychological harm?

Are politicians and business entrepreneurs no longer taking advantage of the sporting dreams that drive young people?

Have the intelligence services completely vacated the sports arena?

Has the abuse of children and adolescents come to a halt in sport?

Perhaps our time is not quite as different as we wish to believe.

In recent years we have seen numerous athletes come forward and testify to what they have suffered for their sport. And they do not recall their painful memories from half a century ago, but from the past decade.

Sexual, physiological, and psychological abuse, discrimination, economic and political exploitation, mandatory treatment with unknown drugs, trafficking – as if human beings are just constructs of muscles and bones, a pile of raw material to be developed for consumption by a world audience with an endless appetite for entertainment.

If our days deserve to be called exceptional, it is because athletes are finally starting to raise their voices. It still takes a lot of courage to speak out, and it still comes at great risk for the athletes' reputation and sporting career.

But the genie is out of the bottle. And cannot be put back where it was hidden.

## A new generation speaking up

A new generation of athletes is rising who have greater self-confidence, are better educated, and are more aware of their value as persons and as professionals.

They will increasingly speak up and insist on their right to be heard.

Those of us who are not athletes but carry out important functions in sport – coaches, parents, sports leaders, policy makers, government officials, and media representatives – have an obligation to heed the calls of those athletes and ensure the best possible conditions for them to have a say about how their sporting environment is set up and managed.

In other words, athletes should not merely be subjects *of* the governance of their sport, they should be subjects *in* the governance of sport.

This is why a group of people from different backgrounds got together in late 2018 and defined the project ‘Strengthening Athlete Power in Sport’ (SAPIS). We were very fortunate to receive co-financing worth up to 250,000 euro via the Erasmus+ programme of the European Union.

We conceived the project at a moment when athlete conflicts were rife in world sport.

The combined Russian-international doping and corruption scandal showed that athletes were not only extorted and exposed to systemic doping. Athletes also felt brushed aside when collaborative solutions were to be found.

The massive sexual abuse scandal in US Gymnastics had just been exposed to the global public, triggering the revelation of several less voluminous, but still traumatic abuse cases from all sorts of sports and all corners of the world.

And at the Olympic Games and other major events, athletes demanded less restrictions on their freedom of expression on and off the field. A growing number of athletes challenged their leaderships with activism against racism, social injustice, and unequal pay.

## Recent progress

It is fair to say that some positive change has happened since 2018. The climate in which we end the SAPIS project is not exactly the same as when we started.

The IOC has expanded its ‘International Athletes Forum’ to include athlete representatives of National Olympic Committees. Restrictions on the freedom of expression at the Olympic Games have been eased.

Football’s governing bodies are sometimes happy to support anti-discrimination symbols, sometimes not. The World Anti-Doping Agency has made reforms aiming at strengthening the position of athletes. More international federations than ever before have included athlete representatives in their executive bodies.

More and more often, sports leaders talk about ‘putting athletes centre stage’ in their speeches and declarations. Most recently, we have heard the IOC state that the main reason

for re-admitting Russian and Belarusian athletes into international sport is to pay respect to their human rights.

It is noteworthy that the IOC suddenly accepts responsibility for observing human rights, after avoiding/setting it aside over two decades when Olympic events were held in China, Russia and other oppressive regimes.

Hopefully, the IOC will also take the human rights of the Ukrainian athletes into consideration and hold any perceived discrimination of Russian and Belarusian athletes up against the fact that Ukrainian athletes are subject to the destruction of their homes, their families, and their sporting environment.

## No association freedom

But even if these changes should effectively lead to increased athlete power in the Olympic movement, it will only mean small progress for a relatively narrow group of elite athletes.

As the SAPIS research shows convincingly in this report, full-time or part-time professionals lack dramatically behind the labour rights that other groups in democratic societies enjoy – and let us not forget that in theory, international sports federations should function like democracies.

Among the many challenges elite athletes face are that:

- they are denied association freedom and the right to organise; sports federations typically refuse to acknowledge athlete unions
- they are on the downside of a massive power imbalance, partly because they are young, inexperienced, and vulnerable in their job situation, and partly because their counterpart – the sports leadership – control a de facto monopoly industry with powers to obstruct the careers of difficult individuals
- they work in a sector that governments have little appetite for regulating, out of fear of being accused of violating the so-called ‘autonomy of sport’.

Or, to put it in the words of a participant in a SAPIS debate at Play the Game 2022:

*“If we remove the word athlete and present the job description to a normal person – no one would be interested with no rights, no compensation, no say.”*

The SAPIS project is coming to an end, but the challenges for athletes are not. Hopefully, this report together with our short good practice guide and our website [www.athletpower.eu](http://www.athletpower.eu) will inspire athlete activists in the future.

## Respect of rights

I would like to thank our SAPIS partners for their persistence and creativity during a period that was marked by many troubles out of our control. Our group is very diverse, we

come with different experiences and different goals, but we stand united in at least one conclusion:

Athletes are not always right, but they always have rights. A right to organise and a right to be heard ...

If those rights are not respected, if athletes are only heard when they applaud the decisions made by others, then we have not seen the last Nadia Comaneci and we will never see the end of athlete abuse in its many variations.

We do not pretend that this project will end all troubles in sport, but we think that involving athletes in decision-making is a first and necessary step to start solving the problems.

*Aarhus, September 2023*

*Jens Sejer Andersen*

*International director, Play the Game*

*Project director, SAPIS*

# Executive summary: Strengthening Athlete Power in Sport (SAPIS)

By Mike McNamee, Swansea University and ICERiS, KU Leuven

The overarching aim of the Strengthening Athlete Power in Sport (SAPIS) project was to develop a nuanced mapping of athletes' positions and opportunities in the governance of sport in order to provide an evidence base on which to enhance athletes' representation and their influence.

It aimed to identify the variety of existing structures and practices and evaluate them against the research literature and good practices within sports in order to propose achievable advances in the capabilities and legitimacy of athlete representation.

Moreover, it aimed to contribute to better sports governance by ensuring that the collective interests and views of athlete stakeholders could contribute to decisions about sport that are taken by the diverse range of authorities whether as governing bodies, leagues, clubs and/or public authorities.

The project outputs are the combination of multidisciplinary scholarship employing a range of tools and frameworks spanning ethics, history, law, as well as social, economic and political sciences and theoretical perspectives. It presents a view of the rise of awareness of athletes as stakeholders, as well as certain intellectual and historical landmarks in this development.

- Overall, SAPIS identified three ways of organising athlete representation: athlete associations (unions) and athletes' commissions constitute the most typical forms of athlete representation, while a third group of actors, athlete advocacy groups, use their voices to raise concerns about issues relevant to athletes and society.
- Initially, SAPIS identified good practices in athlete representation based on (i) desk research and qualitative online interviews from identified organisations and (ii) desk research of cases from membership-based organisations (MBOs), trade unions and athlete organisations.
- In terms of athlete commissions, good practices emerged where there were clear role descriptions and specifications of key competencies, an achieved balance of active and recently retired athletes, developed functional independence, clear onboarding processes for incoming members, and strong and interactive communications with the athletes who are being represented.
- In relation to MBOs, key elements of good practices revolved around two case studies of organisations that reflected disparities between a wealthier professional organisation and a modestly financed amateur organisation: (i) Professional Footballers Australia, which showcased how collective bargaining protects athletes' interests around employment, inadequacies of the transfer system, representation in decision-making, and governance; and (ii) Gaelic Players Association, where elite amateur athletes' conditions

were deficient in terms of equality, representation, welfare, and development opportunities.

- Interview data showed that athlete associations operate in a complex field that is saturated with the dynamics of power and in which they maintain multiple and diverse relationships – with athletes, sports governing bodies, leagues, clubs, and commercial partners, as well as with athletes’ commissions in some cases.
- The athlete associations adjust their strategies depending on the circumstances they encounter. They would benefit from more extensive formal knowledge-sharing networks to 1) assist capacity-building in the lesser financed entities and 2) minimise potential repetition of one-off solutions to problems (effective modes of communication and education) that have already been encountered elsewhere in the sector.
- Good practices from interview data included: (i) maintaining a high density of membership to show legitimisation (ii) frequent two-way communications to generate credibility; (iii) operating with high ethical standards for the good of the game as well as the good of the players to generate trust; (iv) membership of industry-specific committees, task forces, forums to represent athletes’ interests; and (v) developing strong interpersonal relationships between the union officers and senior personnel along with the forming of temporary alliances with other institutions on shared problems.
- A questionnaire garnered 102 responses from athlete representatives from all forms: 43% were female and 57% were male; 25% had a bachelor’s degree and 55% had master’s degree level education, the vast majority (94%) of respondents were European.
- The vast majority (86%) of athletes representatives surveyed believe that they make a meaningful contribution to the needs of athletes in general and how that is, or might be, organised in the body they are part of.
- Although the election or appointment processes are often perceived as free and fair, there are doubts about the competitiveness (i.e. there being more than one candidate standing) of these processes and whether the selection or appointment procedure of athlete representatives is based on their knowledge and competences.
- Although athlete representatives state themselves that they can do their representative work effectively and independently, several representing bodies are financially dependent on sports federations or governments.
- A lesser but still notable percentage (15-20%) of the respondents indicate that they do not formally take part in decision-making processes. Moreover, a quarter to a third of the respondents stated that they were neither involved in policy development, policy design, implementation, or review.
- Chapter five maps athletes’ formal representation in 37 international sports governing bodies. The data shows that athletes’ commissions are present in 97% of the organisations; that organisations adopt different ways of (s)electing members to their athletes’ commissions with merely 35% being elected by athletes only; and that a notable



difference exists in how athletes' commissions are represented across different types of decision-making bodies.

- In addition to formal representation, policy implementation is affected by informal practices, which were explored in semi-structured interviews with officials from athletes' commissions and international federations. The interviews showed that less evident barriers restricting athletes' influence still exist, for example, shorter term-lengths for athletes' commission members; non-inclusion in deliberation processes with the governing body; and the lack of time and resources when taking up a position as an athlete representative.
- Chapter seven summarises a debate on athlete rights from the Play the Game-conference in 2022. Here, statements on athlete rights, the handling of abusers, as well as structures of sports governing bodies are depicted to nuance and exemplify key issues in athlete representation.
- Six case studies exemplify and contextualise the findings and good practices of the SAPIS project to different athlete organisations, nationalities, and sports disciplines. NL Sporter and the Dutch NOC exemplify how a partnership approach can improve athlete representation. The Spanish Women's Futsal Players Association has successfully used close member engagement to build up a strong athlete association. Rugby Players Ireland and Athleten Deutschland utilised well-established athlete organisations to attract resources and exert influence. Atletas pelo Brazil mobilised athletes' voices and networks to influence policy reforms of the sports system. Global Athlete uses trust and open dialogue to provide a safe space for athletes' voices.
- In parallel to the research carried out by the SAPIS project, another Erasmus+ project, EMPLOYYS, dealing with athletes' rights was realised under the leadership of the German Sport University Cologne. EMPLOYYS focused on the work and employment relations of Olympic athletes. Because of the mutual relevance, the findings of the EMPLOYYS project are included in this report to add important nuances to the SAPIS project.
- The final section of the SAPIS project presents an initial insight into what may be the most significant upcoming threat to athletes' interests: the rise of artificial intelligence (AI). While there is much hype around the promises of AI, it is clear that AI brings certain threats to athlete democracy, notably through the use of non-transparent and thus non-accountable data mining and analytical processes, most notably the constructions of its algorithms. Particular issues in what may be called the democratisation of athlete power will be those, in addition, of equal and fair access, autonomy and **privacy**, and proper oversight and governance.



# Chapter 1: Introduction

By Andy Harvey, Swansea University, and Mike McNamee, Swansea University and ICERiS, KU Leuven

The SAPIS project aimed to assist those who represent athletes to effectively undertake their tasks, to guide those who wish to engage in athlete representation, as well as to demonstrate more inclusive ways of governing for sports governing bodies and other sports authorities. A multi-disciplinary, multi-method approach was taken to the problem. It comprised (i) a literature review; (ii) an athlete representative survey; (iii) semi-structured interviews with representatives from athletes' commissions; (iv) semi-structured interviews with representatives of athlete associations (unions); (v) semi-structured interviews with athlete advocacy groups; (vi) identification of good practices in athlete representation; and (vii) a prospective report on the most rapidly emerging threat (and opportunity) to athlete power: artificial intelligence.

Athlete representation is a relatively recent phenomenon in the political sociology of sport. It draws immense legal, moral and political support from elements of human rights theory and practice. For example, freedom of association and freedom of speech are basic human rights that apply equally to athletes and sports leaders. Athlete representation gives a voice to sport's most important stakeholders in decision-making that affects them, as is their right, and all parties have much to gain by working together towards jointly defined goals. In seeking to ground the guidance that SAPIS aimed to provide, it was essential to underpin the project by reference to principles that would inform all elements of the research.

The SAPIS literature review presented a historical overview of the struggles of athletes to achieve proper recognition of their role in shaping the sports they practice. It also, crucially, identified an array of democratic principles of sports governance to inform and influence competing models of organisation and stakeholder engagement.<sup>1</sup> Three forms of democracy were distinguished that together comprise the foundation of this project:

- i. Representative – those who govern should be accountable to the governed, usually achieved through free, fair and open elections.
- ii. Participatory – people should be able to contribute to collective decision-making.
- iii. Deliberative – systems and processes should be established to enable the exchange of ideas and perspectives to promote reflection and better-informed decision-making.

These three models of democracy apply to all social spheres. With respect to sports, it is not only sports governing bodies that may be understood in relation to these models but also athlete representative bodies, such as athlete associations (sometimes referred to as athlete or player unions) and athletes' commissions, as well as to the interactions between sports governing bodies and athlete representatives. Although athlete associations and athletes'

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<sup>1</sup> McNamee, M., Carrio, A., Geeraert, A., Ham, E., Harvey, A., and Zohn, A. (2021). *Strengthening athlete power in sport - A multidisciplinary review and framework*. Aarhus: Play the Game.

commissions constitute the most typical forms of athlete representation – each with its specific benefits and challenges, a third group of actors, athlete advocacy groups, also use their voices to raise concerns about issues relevant to athletes and society. The models can be thought of as an overarching framework that will help to ensure that athletes and sports institutions operate with a high degree of legitimacy and widespread support for the actions they take.

A few words of clarification over these forms of representation are in order. Athlete associations are independent member-based organisations. They are analogous to unions in other sectors of the economy. Athlete associations are democratically led by athletes who decide about the legal form, governance and priorities of their representative organisation. Athletes' centrality in these associations is vital for their credibility, legitimacy and effectiveness. Athlete associations can offer an independent collective voice for athletes and engage in collective bargaining and negotiations on terms and conditions of employment. Given their independence and democratic structures, athlete associations offer collective voices that sports authorities can trust to represent the views of athletes. Many athlete associations have a limited base of paying members, in effect making financial sustainability a significant problem for many associations as they cannot be funded solely through membership subscriptions.

Athletes' commissions (sometimes referred to as athletes' committees) are advisory bodies within sports federations and Olympic committees and are established to represent athletes' voices and interests in the decision-making of those sports federations and Olympic committees. Athletes' commissions are internal bodies of sports governing bodies and are therefore not typically as independent as athlete associations. Their funding depends almost exclusively on the organisation of which they are a part. Some have a share in decision-making power through representation on the executive body of their federation, others act in a consultative role within the sports governing bodies. The degree of independence of athletes' commissions depends, among others, on the way their members are appointed or elected, and on the financial and administrative services they are offered.

Finally, athlete advocacy groups range from more informal groups with no member base to more formal groups with legal structures. These groups are created to achieve certain goals specific to sport or the surrounding society such as influencing policymaking or providing a platform for voicing concerns or addressing misconduct.

The SAPIS group sought in various ways to collect, analyse and synthesise views from each of these different athlete bodies in the context of questions of governance in general, and athlete representation in particular. Clearly athletes' commissions, athlete associations and athlete advocacy groups share procedural challenges in terms of securing and maintaining effective communications for credibility, frequency of proper elections for legitimacy, financing to support recruitment and maintenance of competence and professionalism, political networking across public and private bodies and within the family of other athlete representative organisations. What is also clear is that there are tensions between these different groups as much as there are opportunities for complementarity.

Finally, the SAPIS team expresses their gratitude to those individual athletes and athlete representative organisations who gave their time freely to support this important initiative.





## Chapter 2: Good practices of stakeholder representation across sectors

By Andy Harvey, Swansea University

In this chapter, an exploratory exercise will be conducted to seek and find structures for the representation of members, employees, or other types of stakeholders. Case stories will be developed, and this will provide the basis for assessing the possible platforms for athletes to engage effectively in sports governance in the following chapters.

Identification of good practices was a two-step process: 1) Desk research was conducted that identifies good practice principles and potential good practice cases from membership based organisations (MBOs), trade unions and athlete organisations. 2) On the basis of the desk review, qualitative online interviews were held with key personnel from identified organisations.

This chapter addresses structures of representation through the identification and brief description of two case studies that showcase different facets of representative organisations. The SAPIS literature review, especially section 5.5, provides an overview of athlete representative structures in sport<sup>2</sup>. This chapter focuses more closely on the issues athlete representative organisations (AROs henceforth) face in organising and representing athletes. The attention here is on AROs that are trade unions or closely resemble trade unions in organisational structure.

### Involving members: Strategies for successful athlete representation

Establishing an organisation may seem like a big challenge, but keeping the organisation relevant to members and securing long-term growth is no less demanding. This chapter analyses some of the main requirements for organising athletes in different types of associations.

Athlete representative organisations (AROs) at the national level will be in different states of historical development and need to operate in their own national, economic, political, legal, cultural, and social contexts, albeit within a regulatory framework established by national, regional, and global sports governing bodies.

Each ARO will be facing its own organising issues, whether these are fundamental problems of organising poorly remunerated athletes who are treated as self-employed workers, or competition from agents to represent the interests of highly paid global elite athletes. In between these extremes lies a whole host of organising challenges that need to be addressed by an ARO. As stated above, these will include the national, economic, political, legal, cultural, and social contexts in which the ARO must operate.

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<sup>2</sup> McNamee, M., Carrio, A., Geeraert, A., Ham, E., Harvey, A., and Zohn, A. (2021). *Strengthening athlete power in sport - A multidisciplinary review and framework*. Aarhus: Play the Game.

Professional and elite athletes are subject to similar environmental contexts as other working people. For over 200 years workers have joined together to demand improvements to their working lives, such as decent wages, and to improve the standing of their profession. For example, professional musicians formed the UK's Musicians' Unions in order to promote the unique value of live music and to negotiate terms and conditions of employment in orchestras and bands. Over the years, Musicians' Unions across the world have evolved to recruit and represent the interests of freelance, self-employed musicians who have no formal contract of employment.

Some contexts are unique to a particular industry. For example, professional sports people are often regarded by the public and politicians alike as pursuing a pastime for which they are fortunate to be paid, rather than as professional workers. Further, sport's highly evolved internal regulatory systems have a significant bearing on the profession, often placing sport in a semi-autonomous position in relation to other economic sectors.<sup>3</sup> Understanding and addressing the complex commonalities and the specificities of the contexts in which professional athletes work is a fundamental task for any representative body.

Sport, as it is organised locally, nationally, regionally, and globally, is integrated with the political, economic, social, and cultural contexts in which it is undertaken. However, sport cannot be viewed as an unmediated mirror of the culture of the society in which it is played as authors such as David Winner suggest.<sup>4</sup>

Nor, as Declan Hill has claimed, is sport a separate domain that is wholly independent of the local, national, and global contexts in which it is found.<sup>5</sup> The reality is that sport, as with other cultural practices, interacts and intersects with its contexts in complex and diverse ways.

To take football as an example, David Goldblatt has shown that football in Italy has been closely integrated into political, business, and media interests while the growth of professional football in India can be attributed to economic liberalisation, an American franchise business model, and its own experience of the business of cricket.<sup>6</sup>

Perhaps, the most striking example of sport's integration with wider contexts is the Bosman decision of the European Court of Justice in 1995 that ruled that FIFA's Article 17 on player transfers was a restraint of trade in contravention of European legal rights of

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<sup>3</sup> For example, the UN Resolution of 31 October 2014 on the autonomy of sport. See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/600/43/PDF/N1460043.pdf?OpenElement>

<sup>4</sup> See, for example, Winner, D. (2000). *Brilliant Orange: The Neurotic Genius of Football*. London: Bloomsbury.

<sup>5</sup> Hill, D. (2013). *The Insiders Guide to Match-Fixing*. Toronto: Anne McDermid & Associates Ltd.

<sup>6</sup> Goldblatt, D. (2006) *The Ball is Round: A Global History of Soccer*. New York: Riverhead; Hamil, S. et al (2010). 'The Governance and Regulation of Italian football', in Hassan, D. & Hamil, S. (Eds.) *Who Owns Football? The Governance and Management of the Club Game Worldwide*. Oxford: Routledge, pp. 373-413; 'Indian Super League', [http://en.wikipedia.org/wiki/Indian\\_Super\\_League](http://en.wikipedia.org/wiki/Indian_Super_League).



freedom of movement and of labour and was therefore illegal.<sup>7</sup> See the SAPIS literature review 5.6.i for more details of the Bosman case.<sup>8</sup>

Individual AROs will have their own distinct specificities that will mark them out from other trade unions or membership-based organisations (MBOs), but these will always be within wider shared contexts. For example, demands made by players' unions that their members should be able to work free from discrimination are precise echoes of similar demands made by other unions over many years.

On the other hand, the short career, highly specialised skills and intense competition between athletes are specific to sport, although these are not wholly unknown in other sectors. In this sense, AROs are no different from other unions, especially specialist unions that organise and represent a discrete set of professionals, such as musicians, journalists and doctors to name but a few.

In each case, unions seek to improve the working (and non-working) lives of their members by establishing their credentials as the representative body of those professionals/workers and by exerting their organised and collective democratic will.<sup>9</sup>

## Unions under pressure

In undertaking these crucial tasks, trade unions have been put under intense organisational pressure for a number of years to the extent that they have had their ability to assert their relevance as the voice of workers called into question.

As Dan Gallin notes:

Organized labor no longer represents a statistically significant proportion of the global labor force. With a global labor force of approximately 2.93 billion, and organized labor representing globally 170 million at the most, we get a global union density of just below 6 percent.<sup>10</sup>

The symptoms of the 'crisis' in trade union organisation are well-rehearsed and are summarised by Dirk Kloosterboer as follows:

There is no denying that trade unions in many countries are coping with serious problems. Union density is declining and the unions have difficulties in organising young workers. ... Unions further cope with the growing elusiveness of employers, who can transfer jobs abroad, outsource work, exploit vulnerable workers, and erode job security.

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<sup>7</sup> Union Royale Belge des Sociétés de Football Ass'n v. Bosman, Case C-415/93.

<sup>8</sup> McNamee, M., Carrio, A., Geeraert, A., Ham, E., Harvey, A., and Zohn, A. (2021). *Strengthening athlete power in sport - A multidisciplinary review and framework*. Aarhus: Play the Game

<sup>9</sup> There is a debate over the most effective forms of trade union organising. For an excellent discussion on these debates, see Frege, C. and Kelly, J. (2004). *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy*. Oxford: Oxford University Press.

<sup>10</sup> Gallin, D. (2014). 'Means and Ends', in *Solidarity: Selected Papers* (Kindle edition, Labour Start).

... The position of workers is further undermined by cutting safety nets such as social benefits.<sup>11</sup>

A number of reasons can be attributed to the 'crisis' including:

- hostile governments, notably the Conservative government in Britain and Republicans in America in the 1980s and 1990s, but extending to Eastern Europe and, more recently even to Nordic countries.<sup>12</sup>
- the dominance of a neo-liberal economic paradigm that may have been discredited by the 2008 financial crash, but has yet to be replaced by anything different, in what Mark Fisher calls 'capitalist realism', by which he means the widely held assumption that there is no alternative to free market liberalism, including (perhaps especially) in the labour market.<sup>13</sup>
- unhelpful, or even aggressive, employers deploying anti-union strategies that range from 'soft' human resource management (HRM) that sidelines unions, to union-busting measures to dissuade workers from joining a union or to break an existing union agreement, to violence and even murder of trade unionists in countries such as Colombia.<sup>14</sup>
- the growth of the informal economy and precarious work, usually outside of any formal employment relationship, including the expansion of self-employed workers in western countries.<sup>15</sup>
- lax enforcement of national employment laws including those for minimum wages in many countries, often because states are too weak to enforce their own laws or are bowing to employer pressure not to do so.<sup>16</sup>
- the growth of migrant labour that is highly mobile. Croucher and Cotton report that "there are an estimated 86 million migrant workers, who commonly have few legal employment rights."<sup>17</sup>
- the rise in Corporate Social Responsibility (CSR) programmes by companies, which has been a mixed blessing for trade unions. At their worst they undermine union efforts to organise labour, at their best they provide unions with potentially significant bargaining opportunities.<sup>18</sup>

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<sup>11</sup> Kloosterboer, D. (2007). *Innovative Trade Union Strategies*. Amsterdam: Federatie Nederlandse Vakbonden.

<sup>12</sup> Ibid.

<sup>13</sup> Fisher, M. (2009). *Capitalist Realism*. Ropley: Zero Books.

<sup>14</sup> Beaumont, P.B. (1991). 'Trade Unions and HRM' in *Industrial Relations Journal* 22, pp. 300-308; Levitt, M.J. (1993). *Confessions of a Union Buster*. New York: Crown Publishing; *Justice for Colombia*, <http://www.justiceforcolombia.org/>

<sup>15</sup> Gallin, D. (2014). 'Organizing in the Global Informal Economy' in *Solidarity: Selected Papers* (Kindle edition, Labour Start); Inman, P. (2014). 'UK Now the Self-employment Capital of Europe', *The Guardian*, 12 August 2014, <http://www.theguardian.com/business/2014/aug/12/uk-self-employment-capital-western-europe-ippr-recovery>

<sup>16</sup> Croucher, R. and Cotton, E. (2014) *Global Unions: Global Business*, 2<sup>nd</sup> edition. Faringdon: Libri.

<sup>17</sup> Ibid., p.16.

<sup>18</sup> ETUC. (2013). *Corporate Social Responsibility: Union Thinking on the EU Strategy 2011 – 2014 for Corporate Social Responsibility*.

These factors affecting trade unions naturally have an impact on the workers that trade unions purport to represent. For instance, many workers, not just in low-income countries but also in high-income ones, have seen a rise in temporary and non-regular work with lower levels of social protection and employment rights.

The brunt of these forces has been felt primarily by low-skill workers such as those in the clothing industry, but all workers, however skilled, have been affected in some way. However, it is important to note that not all the effects will necessarily be negative, for example, the ability of a worker to ply his/her trade in a country that offers more money for his/her skill is a major benefit and one that many professional athletes have enjoyed.

In recent years there has been some emerging evidence that the fall in trade union membership may have been arrested in some countries. For example, in the UK overall membership has grown from 6.2 million to 6.6 million in the four years to 2021. However, these increases are primarily in the public sector and may mask a continuing decline in the private sector. Membership is also unevenly distributed across the economy with education sectors enjoying more than 50% density while membership density in the hospitality sector remains at just 5%.<sup>19</sup>

## Union Responses

The following section outlines some of the strategies and tactics that unions have used in light of the challenges they face. Some of these responses will be useful for AROs to consider when developing their programmes to build up their organisation.

While trade unions and workers generally have been under pressure in many parts of the world, this was, as John Kelly reminds us, never a universal experience:

Throughout the 1990s union movements in Scandinavia retained high levels of membership density and influence in the face of major economic restructuring and rapid rises in unemployment. Further south, unions in the former authoritarian states of Greece, Spain and Portugal displayed levels of vitality and activity that were far in excess of many European counterparts. In the southern hemisphere, union federations in South Africa and Brazil played critical roles in the struggle for basic democratic rights, allying themselves with a range of political organisations and fuelling debates about a new ‘social movement unionism’. In Asia the union movement in Korea, for example, has played a key role in protecting workers’ interests within the confines of a highly authoritarian political regime, boosting its membership in the process.<sup>20</sup>

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<sup>19</sup> Elliot, L. (2021). ‘Membership of UK trade unions rises for fourth year in a row’, *The Guardian*, 27 May 2021, <https://www.theguardian.com/politics/2021/may/27/membership-of-uk-trade-unions-rises-for-fourth-year-in-a-row>

<sup>20</sup> Kelly, J. (2002). *Union Revival – Organising Around the World*. TUC. PDF available at <http://www.newunionism.net/library/organizing/TUC%20-%20Union%20Revival%20-%20Organising%20Around%20the%20World%20-%202002.pdf>

Kelly was writing in 2002. Since then unions have continued to develop innovative and beneficial approaches to the problems they and workers face in the contemporary globalised economy. Some of these responses include:

### 1. The switch from a 'servicing' model of trade unionism to an 'organising' model

To simplify somewhat, the 'servicing' model of trade unions:

Is one where the function of the union is to deliver collective and individual services to members provided by the formal organisation and its hierarchy of officers. Thus, under the servicing model, the responsibility for union resources, strategies and interests, handling grievances and recruitment rests primarily with union officials.<sup>21</sup>

Critics of the servicing model argue that it amounted to little more than 'managing decline' and resulted in a union that was remote from its members to which it provided services such as legal representation as and when a member needed it. As an analogy, membership of a union might be seen as similar to membership of roadside breakdown organisations such as the Automobile Association where no involvement of the members is required – as they simply pay a subscription for the return of certain benefits.

In response to the perceived passivity of the 'servicing' model in the 1990s, and usually attributed to the pioneering work of the Service Employees International Union (SEIU) in America, a new type of more active and assertive unionism was developed in order to arrest the decline in membership and industrial and political influence.

This type of unionism has tended to go under the name of the 'organising' model, although as Turner *et al* have shown, that term is largely a description of certain sets of behaviours, but it "has been defined as an approach that aims to organise workers so that they are 'empowered' to define and pursue their own interests through the medium of collective organisation."<sup>22</sup>

In essence, responsibility for identifying and resolving workplace issues was devolved to the members who would be encouraged and empowered to act collectively to confront the employer with demands for improvements in workplace conditions.

On the face of it, the organising model had significant benefits to union growth, with the SEIU reporting an increase in members of 1.2 million between 1996 and 2010. Not surprisingly, unions in other parts of the world took notice and the 'organising' model was imported to the UK and, to an extent, other parts of Western Europe.

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<sup>21</sup> Turner, T., O'Sullivan, M. and D'Art, D. (2009). *The Impact Of Organising Methods On Member Recruitment In Irish Trade Unions*. ILPC 2009.

<sup>22</sup> Ibid, 3.

Without undertaking a full assessment of the success or otherwise of the model,<sup>23</sup> a number of its precepts have become more or less established in many trade unions, including the development of workplace representatives able to resolve issues at the workplace level, an increased focus on campaigning and day-to-day activism, and greater member involvement in union activities, to name a few.<sup>24</sup>

It is the view of this author that the ‘servicing’ versus ‘organising’ model is a false dichotomy that underplays essential complementarities that underpin successful trade union organising. One criticism of the organising model has been that workplace members have signed up for membership and pay their subscriptions only to be told that they were responsible for their own negotiating, representation, and other union benefits.

In reality, a model that empowers members to take action but with the support of the professional union behind them is a better model, i.e., one that combines aspects of both the servicing and the organising models.

As a rule of thumb, a union that is able to mobilise resources at all levels of the union in support of its members’ interests is likely to be a successful union. Where this balance lies is a task for each union to determine for itself given its own circumstances such as members’ expectations, financial resources, political influence, industrial leverage, and workplace strength.

For a players’ association, ‘servicing’ might be seen as essential. To put it in more generous terms, they need to provide members with benefits that they find relevant, such as legal advice, education opportunities, welfare support, post-sport career development, and promoting anti-discrimination and inclusion in sport.

Harvey (2020) argues that, in an employment relations space where players’ associations do not have the traditional union function of wage bargaining, member benefits are critical in maintaining high levels of union density and support among the membership for the association.<sup>25</sup>

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<sup>23</sup> For one critique see Daniels, G. and McIlroy, R. (2009). *Trade Unions in a Neoliberal World: British Trade Unions under New Labour*. Oxford: Routledge.

<sup>24</sup> For a list of activities typically associated with the ‘organising’ model, see Appendix 1 in Turner, T., O’Sullivan, M. and D’Art, D. (2009). *The Impact Of Organising Methods On Member Recruitment In Irish Trade Unions*. ILPC 2009.

<sup>25</sup> Harvey, A. (2020). ‘Fixing it for PFA Scotland: building union influence out of a transnational project to tackle match-fixing in football’. *International Journal of Sport Policy and Politics*, Vol. 12, No. 3, pp. 423-438.

#### Questions to consider

- Can an ARO be termed a 'servicing' organisation, an 'organising' organisation, or a hybrid of the two?
- What benefits might an ARO and its members accrue from the organising model?
- To what extent is it realistic to expect members to take on the responsibilities that an organising model assumes?

## 2. Mapping the membership

A well-established tool that has arisen from the organising model is the development of 'mapping' techniques that provide unions with a clear picture of their organisational strengths and weaknesses. If you don't know your members, or potential members, then it is almost impossible to organise them successfully. Mapping also involves analysing the employers' organisations and identifying areas where union members can exert influence and points of weakness in an employer's structures and processes that might be exploited for union gain. Mapping is often the foundation for strategic union activities.

#### Questions to consider

- Who does an ARO want to have in membership? (e.g. professional athletes, semi-pros, others?)
- Can an ARO usefully segment members into different groups? (e.g. internationals; professionals; semi-pros; women players; youth athletes; former athletes etc.)
- What does an ARO know about its members? (e.g. age, ethnic origin, gender, social groups, residence, social habits, modes of communication)
- Is the ARO organising them? (e.g. density of membership in each group, gaps)
- Who can best recruit target members? (e.g. former pro, union official, current athlete etc.)
- What do members want from the ARO? (e.g. from surveys, face-to-face communication etc.)
- What can they contribute to the ARO? (e.g. volunteer representative, mentor etc.)
- Can AROs conduct a SWOT analysis in respect of their own organisation and that of the employers?

## 3. Analysing the environment

In addition to knowing their own membership, unions have increasingly analysed the environment in which they operate in order to be able to promote the interests of their members. Traditionally this might have been known as the dichotomy between the industrial and political objectives of the union but has developed into a more sophisticated set of techniques and engagement with multiple counterparts. Please note that this section is a brief outline only to identify some critical questions.

For example, an ARO would wish to analyse the following:

## A. Political environment

Richard Giulianotti and Roland Robertson argue that football's global field reveals a growing multi-polar complexity, with a broad array of institutional actors, ranging from international governments to local player agents. Particular interest is reserved for the position of national societies, given their historical contribution to the game's political development.<sup>26</sup>

Political environments will differ widely from country to country, from social democratic models that are broadly supportive of unions to governments and other political actors that are extremely hostile to workers' organisations.

### Questions to consider

- Given this overall picture, how do governments, locally and nationally, affect an ARO and its members? How can policymakers be influenced?
- How do national politics intersect with sports politics?
- How do processes of globalisation, including the emergence of large sports clubs as transnational corporations, affect the ARO?
- What are the impacts of political imbalances of power between richer and poorer nations?
- How do sports bodies, including any ARO, position themselves in these processes?<sup>27</sup>

## B. Economic/product environment

Understanding the economics of the bargaining situation is fundamental work for trade unions, many of whom employ researchers to undertake market and company financial analysis before submitting pay claims. More broadly, working to ensure that sport and the employing clubs and organisations are profitable is a prerequisite to improving athletes' wages and employment terms and conditions. Union leaders such as Andy Stern from the American SEIU have argued that successful businesses make for better-rewarded employees.

Football and other team sports are unique in that competing clubs need each other in order to maintain the business of competitive football. That does not mean they are immune from economic or business pressures and opportunities. As Giulianotti and Robertson state:

Football's commercial connectivity has expanded to encompass a broad variety of 'stakeholders', including clubs, supporters, players, agents, governing bodies, nation states, and other governmental institutions, NGOs, media and merchandise.

All this activity has been underpinned by the global economic ascent of free market, neo-liberal, economic policy, especially in Europe. This might include issues such as freely floating exchange rates that affect salaries or foreign investment into clubs.

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<sup>26</sup> Giulianotti, R. and Robertson, R. (2009). *Globalization and Football*. London: SAGE, p. 97.

<sup>27</sup> For more of these and other political issues see Giulianotti, R. and Robertson, R. (2009). *Globalization and Football*. London: SAGE, esp. chapter 4.

#### Questions to consider

- How does the economic environment affect the ARO and its members?
- What is an ARO's policy on economic issues that affects its members?
- How does the macroeconomy affect the ARO and its members?
- What competitive forces are there, from other entertainment businesses, for example, that challenge sport?
- What are clubs' cost structures and are these sustainable?
- What competitive strategies do individual sports have in the overall sports market?<sup>28</sup>

### C. Legal and Regulatory

Local, national, and international legal and regulatory systems affect sport, the ARO, and its members. This will include local by-laws, national legislation, European (where applicable) laws and, more generally, the laws of the International Labour Organisation (ILO) and other international legal bodies. In addition, there are the specific regulations of local, national, regional, and global governing bodies.<sup>29</sup>

#### Questions to consider

- How does an ARO relate to these various regulatory bodies?
- How can an ARO influence them?
- What strategies does an ARO have to do so?

### D. Employment

The 'bread and butter' work of trade unions is to negotiate with employers and others on the terms and conditions of employment of their members, although not all unions do this for all members, such as freelance members. The SAPIS literature review examined the 'peculiar' nature of the sports employment market (see section 5.3).<sup>30</sup>

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<sup>28</sup> For general economic implications for football see Giulianotti, R. and Robertson, R. (2009). *Globalization and Football*. London: SAGE, esp. chapter 3. For a trade union analysis of the product market, see Weil, D. (1994). *Turning the Tide: Strategic Planning for Labor Unions*. New York: Lexington Books, esp. chapter 2.

<sup>29</sup> Hamil, S. (2012). 'The Organisation of World Football', in *Handbook of Football Association Management*. Nyon: UEFA, chapter 1.

<sup>30</sup> McNamee, M., Carrio, A., Geeraert, A., Ham, E., Harvey, A., and Zohn, A. (2021). *Strengthening athlete power in sport - A multidisciplinary review and framework*. Aarhus: Play the Game



#### Questions to consider

- Who are your main bargaining counterparts? Clubs? Leagues? SGBs?
- What collective agreements do you have with them, if any?
- What do those agreements cover?
- How are they enforced?
- What bargaining status do you have?
- How might you improve your position in relation to them?
- What threats exist, such as from player agents?

#### 4. Technology

One of the key advantages of sport is that the athlete workforce cannot be replaced by machines. However, technology still affects sport, whether it is floodlights that enable evening events to be played or the global media that allows games from sports leagues on the other side of the world, such as the English Premier League being broadcast into the homes of people living in Asia and Africa for example. Technology that monitors diet and exercise is common for many players, and technology such as ProZone is now used to track players' work rates on the pitch. These latter phenomena are sometimes known as the 'quantified athlete'.

#### Questions to consider

- What impact do developments in technology have on different sports?
- In what ways has new technology affected ARO members and its ability to organise and represent them?

#### 5. Networks and coalitions

In response to the threats unions have faced, including the realisation that 'class' (to use a term that has largely fallen out of fashion) no longer represents the primary principle around which working people organise, unions have established networks and built coalitions with other social actors.

At a trade union level, most unions affiliate to a national trade union centre, e.g. the TUC in Britain. In other countries, there are multiple trade union centres often coalescing around political and/or religious affiliations. The centres provide a space for the coordination of union action and the development of policy across the labour movement.

Outside of trade union affiliations, many unions now belong to other networks. These include organisations representing black and ethnic minorities ('BME') and other 'identity' groups as well as other single interest groups, such as environmentalists.<sup>31</sup>

These moves have sometimes been labelled 'social movement unionism' in contrast to a previous focus on purely economic issues. John Kelly showcases the coalition in the early 1990s between US clothing workers' union, UNITE, and student groups to pressure multi-national companies, such as Nike, to improve working conditions in developing countries where their products are made. As a consequence, "UNITE has been able to position itself as a powerful and effective agency of social justice by campaigning around the wages paid to Third World workers."<sup>32</sup>

#### Questions to consider

- Does the ARO belong to other networks of influence, such as a national trade union centre?
- Does the ARO work in partnership with NGOs, universities, or other organisations?
- How successful have these partnerships been? How do they help develop the ARO?

## 6. Campaigning

A final (for our purposes) pillar upon which union renewal has been founded is the move towards a strategic form of campaigning. The reasoning behind the move to becoming a campaigning union has partly been in response to a weakening in traditional bargaining power that has meant that objectives need to be achieved through different tactics.

Campaigning on issues important to members also helps to keep the union relevant to those members, gets them involved and, if successful, enables the union to point to concrete gains. Campaigns can be run at every level – local, national, and international.<sup>33</sup>

The basic criteria for deciding whether to run a campaign on a particular issue are:

- Is the issue deeply felt?
- Is the issue widely felt?
- Is the campaign winnable?

An organising tactic deployed by the National Football League Players Association (NFLPA), which organises 'American' football players, is to maintain a number of

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<sup>31</sup> For a highly theoretical (and difficult) account of these moves, see Laclau, E. and Mouffe, C. (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso; for a much more pragmatic (and accessible) trade union perspective, see Tattersall, A. (2010). *Power in Coalition: Strategies for Strong Unions and Social Change*. Cornell: Cornell University Press.

<sup>32</sup> Kelly, J. (2002). *Union Revival – Organising Around the World*. TUC. PDF available at <http://www.newunionism.net/library/organizing/TUC%20-%20Union%20Revival%20-%20Organising%20Around%20the%20World%20-%202002.pdf>

<sup>33</sup> Croucher, R. and Cotton, E. (2014) *Global Unions: Global Business*, 2<sup>nd</sup> edition. Faringdon: Libri, esp. chapter 6.

campaigns or other events in order to ensure their continued relevance to highly paid elite players.<sup>34</sup>

#### Questions to consider

- What issues do an ARO and its members have that can become the focus of a campaign?
- How might campaigning help you recruit and retain members?

## Case study 1: The 'organising' union The case of Professional Footballers Australia

### Early history

The establishment of Professional Footballers Australia (PFA) began with an analysis and understanding of the multiple problems faced by both the players and the game in the early 1990s. These problems included the transfer and compensation fee system that worked against players, resulting, for example, in unpaid players, corruption in transfers, players forced out of the game, and summary dismissals. Further, there was general disenchantment with the state of the game which was poorly run and commercially unsuccessful.

Inspired by the story of Marvin Miller, the former executive director of the Major League Baseball Players' Association in the United States, founder of the PFA, Brendan Schwab, embarked on a round of face-to-face meetings with players to discuss these problems and show how a union could help to solve them. In order to help these discussions he would often be accompanied by a well-respected player for endorsement.

After about a year of discussions in small groups, he held an inaugural general meeting with about 20 players. Schwab's was the ninth attempt to establish a union in Australian football. Crucially he used a different strategy to previous efforts which had first tried to gain recognition from the Football Federation Australia (FFA) which, unsurprisingly, was refused. A key factor that enabled the start-up was to persuade high-profile players of different ages to sit on the initial committee which then developed a strategy that forced the FFA to deal with them, using a combination of union organisation and industrial legislation.

The union was formed in 1993 and by 1994 had negotiated a standard player contract that dealt with problems of previous contracts such as preventing termination without good cause, and protection for injured players. To do this they built a strategic partnership with the Media, Entertainment & Arts Alliance (MEAA) union to obtain bargaining coverage under the law as 20,000 members were needed to gain this, so the PFA 'merged' with MEAA to gain coverage.

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<sup>34</sup> See more at <https://nflpa.com/>

### **Organising principles**

The PFA organised players around four simple priorities – a standard labour contract, increasing players’ “voice” in the running of the game, transfers, and to

tackle the poor governance of the game which was holding it back as a commercial enterprise. Keeping in close contact with their members, they conducted a survey of players to judge support for a campaign to abolish the compensation fee system.

In addition, they used an aggressive campaigning strategy, including the use of a current affairs TV programme that raised publicity of problems such as corruption in transfers. The programme was used to highlight the plight of players.

Utilising available legal options, the PFA went to the Industrial Relations Commission to challenge the transfer system. They were also instrumental in helping to set up a government enquiry into the transfer system.

In summary, the PFA used a combination of media, political, organising, and member involvement strategies to support the campaign to end the compensation fee system. As a result, the Commission agreed that the transfer system should be abolished. These early successes established the PFA as a credible organisation that could gain improvements in players’ rights.

### **Recruitment**

To recruit members into a small union of professional footballers, and to keep them interested and involved in the union, PFA primarily used face-to-face communication with players. This entailed PFA staff meeting players in dressing rooms and places where they socialise in order to talk to them and educate them about the union and the importance of being a member and supporting union policy that is designed to improve the working conditions and professional standing of the game as a whole.

The union visits each changing room three times a year. A key message at these meetings is the duty of care a player owes to his/her fellow professionals. The recruitment of new players is also the responsibility of club delegates as peer recruitment has proved to be a good strategy.

The PFA currently has over 700 members. These include Socceroos, Matildas, A-League, W-League, Y-League and many of the 200-plus Australians plying their trade overseas.

### **Employment and collective bargaining**

The PFA has been successful in negotiating and concluding a number of collective bargaining agreements and other framework agreements. The Australian football

system is highly centralised, resulting in a lot of power for the federation which runs the leagues. Through negotiation and the solid support of members, the PFA has managed to obtain regulation of the employment relationship, including items such as minimum and maximum wages, through collective agreements. The A-League, W-League, Matildas and Socceroos Collective Bargaining Agreements (CBAs) are collective agreements between FFA (on behalf of itself and the clubs) and the PFA (on behalf of the Players). The CBAs provide the framework within which the players, clubs and FFA operate. The CBAs deal, among other things, with revenue issues such as what proportion goes to players, legal issues, and the player development programme.

## Membership-based organisations (MBOs)

The material above identified that falling union membership across the globe has been a prevalent, if not universal, feature of the past thirty years. However, the crisis is not confined to trade unions. In an assessment of the fate of MBOs, the author of a blog article on [orgtheory.net](http://orgtheory.net) states that:

Many of the new generation of activists would tell you that membership-based social movement organizations – i.e. traditional voluntary associations that depend on member contributions to survive – are dead. Those old stodgy structures are being replaced, they claim, by activist networks that rely on social media and other connective technologies to coordinate collective action.<sup>35</sup>

Such an assessment has been given academic support by Harvard sociologist, Theda Skocpol, who, writing about the United States, claims that large single-gender MBOs such as fraternal/sororal civic and religious organisations saw membership rates drop by as much as 80% between 1955 and 1995.

Membership of unions affiliated with the AFL-CIO, the American national federation, dipped by 43% in membership over the same period, while the mixed gender MBO, the National Congress of Parents and Teachers (PTA), saw a drop of 60%, showing that unions were not the only mass membership organisations in America to come under severe pressure from the 1960s onwards.<sup>36</sup>

Skocpol argues that Americans are no longer:

Avid joiners, although they may be organizing more civic endeavours than ever before. Professionally run advocacy groups and nonprofit institutions now dominate civil society, as people seek influence and community through a very new mix of largely memberless voluntary organizations.<sup>37</sup>

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<sup>35</sup> See <https://orgtheory.wordpress.com/2012/06/05/the-future-of-membership-based-organizations/>

<sup>36</sup> Skocpol, T. (2003). *Diminished Democracy*. University of Oklahoma Press: Norman, pp. 153-156.

<sup>37</sup> *Ibid*, 127.

According to Alex Bryson and his colleagues, the decline of mass collective endeavours in America is not restricted to trade unions or MBOs. The era in which working people went *en masse* to the same beach or other holiday resorts has also passed. Similarly, since the 1950s there has been a sharp decline in the mass use of public swimming pools in the United States, replaced by more exclusive private provision.<sup>38</sup>

These moves away from collective endeavours towards a more individualised consumption of leisure time are consistent with a raft of academic literature on the growth of a fragmented, commoditised, 'postmodern' society from the 1960s onwards.<sup>39</sup>

In America, Skocpol argues that there has been a shift from large membership-based organisations that sought influence and community through voluntary participation towards a managerial model of experts, who are able to deploy research and advocacy/lobbying skills to promote social aims.

As noted above, such a shift means that these groups do not have a membership base that demands to receive benefits in return for its subscription money. On the other hand, as the title of Skocpol's book suggests, it may lead to a 'diminished democracy' where fewer and fewer people engage collectively in political and social discourse.

However, Skocpol's study and more recent large-scale empirical research conducted by American sociologist James Hudson show that the decline of mass MBOs, including trade unions, tells only a partial story. At the same time as this decline, there has been a proliferation of small MBOs in America that are dedicated to promoting a single interest. Hudson claims that the "estimated number of MBOs has grown from a mere 5,000 in 1945 to well over 100,000-150,000 or more today [2012]; with new ones forming every year".<sup>40</sup> In fact, Hudson estimates that over 1,000 new MBOs are established every year in the United States.

Again, the title of Hudson's study is key - the new MBOs are generally small 'special interest' organisations that cover an array of civic life and are dedicated to promoting a specific objective. In Skocpol's terms, these groups are "flexible, intimate and specifically tailored to various people's interests."<sup>41</sup> Where MBOs have managed to expand their membership, such as the large environmental groups, this has often been via direct mail and street canvassing to sign up for a membership that rarely, if ever, meets collectively in person.

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<sup>38</sup> Bryson, A., Gomez, R. and Willman, P. (2010) 'Online social networking and trade union membership: what the Facebook phenomenon truly means for labor organizers'. *Labor History*, 51 (1). pp. 41-53.

<sup>39</sup> For the academic literature on the 'postmodern' society, see, for example, Bauman, Z. (2000). *Liquid Modernity*. Cambridge: Polity Press. Jameson, F. (1991). *Postmodernism, or, The Cultural Logic of Late Capitalism*. London and New York: Verso.

<sup>40</sup> James, H. (2013). *Special Interest Society: How Membership-Based Organizations Shape America*. Plymouth: Lexington Books, p. 12.

<sup>41</sup> Skocpol 2003, p. 168.

However, Hudson also notes that special interest MBOs face a number of challenges that reduce their effectiveness, many of which also pertain to athlete representative organisations (AROs). Amongst these challenges are:

1. Drifting from inherent purpose. By this he means, straying from the narrowly defined objectives of the organisation. For Thomas Hannigan, the advice for unions, derived from studies of business success, is to 'stick to the knitting' – i.e. to stay focussed on what the union does best, but also to avoid mergers with other unions that will blur the union's own unique market position and branding.
2. Blurring the line between self-interest and selfish interest. Hudson argues that promotion of self-interest is acceptable but not at a wider social cost. For trade unions, as for other social movements, this is often rephrased as 'special pleading', although usually by social actors whose privileged social status is being threatened. However, to avoid the charge of 'special pleading', there is a value for AROs to promote the 'good of sport' as a core objective alongside 'good for athletes'.
3. Commodifying the membership. Hudson warns against the drift towards seeing members as 'markets' and 'customers' or seeing the MBO solely as a brand and member benefits as a product line. He maintains that these trends diminish the MBO as a community of volunteers and supporters. Successful MBOs will build networks of membership communities alongside membership benefits.
4. The co-dependence and over-influence of paid professional staff. Often a consequence of becoming a more professional organisation, the MBO comes to be dominated by paid employees at the expense of the voluntary wing. Hannigan also observes this trend in some trade unions, with democratic processes that are little more than lip service to that ideal, while the union remains solidly in the grip of the paid staff.

In general terms, the story so far suggests that, in America at least, mass membership organisations are on the wane, being replaced by a mix of professionally managed advocacy groups and a proliferation of small special interest organisations.

However, this narrative needs to be problematised by the well-known phenomenon that certain social media platforms have been astonishingly successful in attracting millions of active members. Writing in 2008, Alex Bryson *et al* noted that:

With over 130 million active members worldwide, Facebook is an excellent example of one of the largest and fastest growing membership-based organizations in the world, rivalling only major religions in scope and scale. More to the point, at the same time that union membership has been falling, a new membership-based institution has been able to add millions of members of all ages across the globe. How did this happen?<sup>42</sup>

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<sup>42</sup> Bryson, A., Gomez, R. and Willman, P. (2010) 'Online social networking and trade union membership: what the Facebook phenomenon truly means for labor organizers'. *Labor History*, 51 (1). pp. 41-53.

Facebook has added billions more members since Bryson *et al* wrote their article. It is beyond the scope of this chapter to analyse in depth the history of Facebook or other social media, but only to note that it enables significant numbers of online communities to flourish, and, in many cases, to provide a platform for organising activities in the ‘real world’.

For Bryson and his colleagues, the question is not how unions can make use of social media for ‘real world’ organising, but what are the attributes of Facebook and social media that allowed such a rapid growth in membership? Their answer is:

First, Facebook is simple to use and cheap to acquire without being simplistic. Google is much like this as well. That is, you can go back to Google or Facebook and receive different benefits each time without having to re-learn the architecture. Second, there is a common platform that allows for constant evolution but also for tailoring by individuals or groups. Third, low (to non-existent) entry costs exist for Facebook members. There is no real pecuniary penalty to leaving Facebook either, which means you are more likely to try it for the first time. Fourth, ‘use-as-you go’ systems, like those adopted by Facebook, are quite appealing to new adopters, unsure of the potential benefits and with fears of lock-in. Finally, strong network externalities (so-called bandwagon effects) are a part of Facebook’s success, whereby the greater the installed base of users, the greater are the individual benefits to existing members and new adopters looking to join the site.<sup>43</sup>

The authors do not make any proposals as to what an MBO that adopted such principles would look like, but by posing the question, they invite practitioners and academics to consider it for themselves. The exponential growth of Facebook suggests that the mass membership organisation is not necessarily dead but that it takes a vastly different form than in the past. These observations should be tempered by the realisation that Facebook and other online communities do not face the same levels of resistance to organising that unions experience from employers and hostile governments and political parties.

In summary, the evidence from the United States is that ‘real world’ mass membership MBOs have seen a decline in their membership bases and, as a consequence, have diminished influence over economic, social and cultural life. However, their decline has been accompanied by a rise in professionally managed and small, special-interest MBOs, suggesting that the membership model is not necessarily dead but takes on a different form. At the same time, there has been the undoubted success of online social media platforms that have shown astonishing levels of membership growth, but which have radically different attributes to the traditional MBO or union.

Such reasoning is confirmed in research studies conducted in Europe. The overall picture regarding membership organisations is complex and diverse. At the same time as large unions and mainstream political party memberships have declined, there has been a rise in memberships of marginal political parties such as the far-right nationalists and the left-leaning Greens.

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<sup>43</sup> Ibid, <http://eprints.lse.ac.uk/27771/p.16>.



As noted above, many small specialist unions have also resisted the overall trend of membership decline. Some environmental groups such as Greenpeace have seen large rises in membership although their relationship with members is on a different basis to trade unions, often signing people up by door-to-door or on street canvassing. Overall engagement with MBOs may not have declined in total, but the profile of such engagement is different from thirty or forty years ago.<sup>44</sup>

In light of this background, the thesis is that MBOs have a difficult balance to make between a number of potentially conflicting approaches to organisational strategy. These might be summed up as the need to offer members and potential members a set of clear benefits while ensuring that members are not seen simply as external customers but also as active participants in the democratic life of the union.

Further, the need to provide benefits raises the issue of raising funds to do that, especially where the membership base is low and growth is constrained by the total number of eligible members due to the size of the industry from which the union draws its membership.

In order to achieve this complex objective, it is vital that an ARO knows its members. As Belinda Moore states about MBOs,

All members seek value. However different members seek different benefits in order to realise that value. In an ideal world you would identify the value each individual member is seeking, the products they need to realise that value, and the best means of communication with them directly. Unfortunately, such personalisation is almost impossible. Instead, you need to group your members and prospective members into segments.<sup>45</sup>

In this chapter, segmentation is used for the purposes of deciding what benefits the union should offer and to identify potential activists. For example, following detailed market research, a union may find that its membership breaks down into the following categories:

- The typology of an 'insurer' is a member over the age of 45 who occupies a lower-to-middle job grade and has been in the same post for over seven years. She/he is most likely to say: 'I joined the union in case something goes wrong at work and I need help'.
- The typology of a 'shaper' is a member who has been educated to degree level or higher, is between the ages of 30 and 45, and has been in a middle-to-higher ranking job grade for no longer than three years. She/he is most likely to say, 'I joined the union as I want to have a voice at work'.

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<sup>44</sup> For more detail of the European situation, see Stolle, D. and, Howard, M. M. (2008) 'Civic engagement and civic attitudes in cross-national perspective: Introduction to the symposium' in *Political Studies* 56(1): 1-11. For a quantitative study of the British experience and for a good source of references, see McCulloch, A. (2014), 'Cohort Variations in the Membership of Voluntary Associations in Great Britain, 1991-2007' in *Sociology* 48: 167-185.

<sup>45</sup> Moore, B. (2011). *Membership Fundamentals*. Brisbane: Strategic Membership Solutions, p.15.

- The typology of an ‘aspirer’ is a member under the age of 30 who has graduated within the last five years and currently occupies a lower-to-middle ranking job grade for less than two years. She/he is most likely to say, ‘I joined the union as I want to get on in my profession.’
- The typology of an ‘identifier’ is a member over the age of 30 who has been in a middle-to-higher ranking job grade for over seven years. She/he is most likely to say, ‘I joined the union as I want to be part of my professional organisation’.
- The typology of a ‘politico’ is a member over the age of 55 who has occupied a low-to-middle ranking job grade for over 12 years. She/he is most likely to say, ‘I joined the union as I believe in workplace solidarity.’<sup>46</sup>

From an analysis of the market segmentation, the union can develop a product mix to ensure that members in each segment gain value from their membership. For example, ‘insurers’ may require a union to have good workplace representatives and legal services.

On the other hand, ‘aspirers’ will require the union to have excellent education opportunities for members. ‘Shapers’ will want to see strong advocacy, campaigning and lobbying activities. ‘Identifiers’ may want to see conferences, events and other networking activities. ‘Politicos’ may want to see more aggressive union tactics to defend members’ terms and conditions. They may also be most willing to be workplace activists.

It should be noted that a union should not see these segmented categories as fixed but can adopt strategies that aim to move members towards particular attitudes towards the union. For example, both ‘identifiers’ and ‘aspirers’ might be moved towards ‘politicos’ as they have a generally positive view of the union.

Identifying the needs of members enables the union to offer only those benefits that are needed and not to waste resources on those that are superfluous to requirements. However, the benefit package needs to be funded and obtaining finance outside of membership fees may be a priority. In ‘Membership Fundamentals’, Belinda Moore gives some examples of non-fee revenue sources. These include:

- Fundraising
- Donations
- Bequests
- Sponsorship
- Trade shows
- Conferences
- Exhibitions

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<sup>46</sup> Please note that this is a fictionalised and highly simplified example, but is drawn from real market research of a professional union’s membership. The author used to work for the union. The original research remains confidential.

- Training
- Professional services
- Product sales
- Advertising
- Royalty payments
- Commissions
- Referral fees
- Promotional items
- Networking events.<sup>47</sup>

Which revenue streams are possible and appropriate will be for each ARO to decide depending on its circumstances and the environment in which it operates.

## Case study 2: Financing member benefits The case of the Gaelic Players Association (GPA)

### **About the GPA**

County hurlers and footballers are elite amateur athletes who play for the love of Gaelic games and the love of place. Following the increased commercialisation of Gaelic games in the 1990s and a growing commitment on the part of the player, the GPA was created by players to advance their welfare requirements and protect their interests.

Founded by players in 1999 and strengthened by a merger with the Women's GPA in 2020, the GPA represents over 4,000 male and female players and a growing number of former players across its four core pillars of player representation, player welfare, player development and equality.

### **GPA income**

The GPA is unusual for a trade union or other MBO in that it only raises approximately 1% of its total income through player subscriptions since its members are all amateur athletes, who either work or are students.

The GPA's core funding comes from the governing federation, the Gaelic Athletics Association (GAA). The funding from the GAA is dedicated to the player development scheme that allows players to access education and other programmes that will help the players with their careers outside of sport. Additional funding is obtained through government grants and sponsorship opportunities.<sup>48</sup>

<sup>47</sup> Moore, B. (2011). *Membership Fundamentals*. Brisbane: Strategic Membership Solutions, p.28.

<sup>48</sup> "GPA Annual Report 2021". Available at <https://annualreport.gaelicplayers.com/>.

The history of the agreement with the GAA underscores the relationship between trade union organising and member benefits. Initially, the GAA was resistant to the idea of having a funding agreement.

In order to bring them to the negotiating table the GPA asked its members not to take part in any commercial or media activity with the GAA, but to do it with the

GPA itself, setting up its own GPA TV for the purpose. Through such collective action and the use of high-profile player advocates the commercial value of the GPA and the players was established. As a result, the GAA entered into negotiations and an agreement was reached.

The argument made to the GAA is that the players contribute to the commercial success of the sports and should be recompensed accordingly while maintaining the amateur ethos. As such the GAA should fund schemes that protect the player and look after their interests.

The funding arrangement with the federation raises the question of union independence and conflicts of interest. To help overcome those concerns, the independence of the GPA is enshrined in the agreement in the belief that an independent GPA adds value to the sports overall.

In order to supplement the income from the GAA to provide the necessary level of member benefits, the GPA engages in additional fundraising through commercial partnerships with corporations. This has the added advantage of securing independent funding for the GPA through its own revenue streams.

Companies are willing to support the GPA for a number of reasons:

1. There is a significant goodwill towards the athletes as the Gaelic Games are part of the social fabric of Irish society and the standards of play are very high.
2. Partnerships with the GPA enable companies to engage the public and enhance their brand profile.
3. Association with star players produces a halo effect for the companies.
4. Some companies see the partnerships as part of the corporate social responsibility (CSR) programmes, especially in terms of education and health and well-being.
5. Companies often recruit players as employees.
6. High-profile players who take part in advertising or other campaigns, such as product endorsements, are paid for this work, thus offering a financial benefit to them.

The GPA is aware of ensuring that it partners with companies with a high-quality image and which do not subscribe to values contradictory to the GPA – but it is acknowledged that this is often a balancing act. The GPA undertakes research into companies to ensure that there is a ‘fit’ between the GPA and the company.

In the past, further commercial income streams have come from launching a range of GPA products including sports drinks and protein drinks. A proportion of the sales was returned to the GPA.

In addition, the GPA engages in direct fundraising, often using past players for the purpose. Activities include charity cycling races and matches. These activities also help to build a community of players who maintain a link to the GPA.

## European works councils and trade unions

This section will examine, in brief, the institution of the European Works Council (EWC) that is commonly established in multi-national companies as a workers’ consultative body. It will consider the analogies of a works council with the emergence of athletes’ commissions with sports governing bodies as an ARO. Finally, it will discuss the relationship between an EWC and independent trade unions within the worker representative structural landscape.

European works councils (EWCs) are standing bodies that facilitate the information and consultation of employees in European companies and European groups of companies, as required by the 1994 European Works Council Directive (Directive 94/45/EC, updated by Directive 2009/38/EC (Recast)).<sup>49</sup>

EWCs have the right to be informed and consulted on a wide array of industrial relations issues. These include but are not limited to: “the trend of employment, investments, new working methods, health and safety, subcontracting, transfers of production, mergers, cut-backs or closures of undertakings, or collective redundancies.”<sup>50</sup>

While the analogy of an EWC with an AC is not exact, not least because of the detailed and prescriptive legal basis on which an EWC is set up as well as its rights to receive information and the issues on which it must be consulted, it does provide a model from other sectors that can help work through the legitimate remit of the EWC and its relationship with official trade unions.

Firstly, it should be noted that EWCs only have the right to be informed and consulted. While such rights are important and can lead to valuable discussions between workers and employers, they fall short of the rights to negotiate and bargain that are traditionally within the remit of an independent trade union.

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<sup>49</sup> “European works councils”. Available at <https://www.eurofound.europa.eu/observatories/eur-work/industrial-relations-dictionary/european-works-councils>

<sup>50</sup> See <https://www.efbww.eu/activities/european-works-councils>

The problem within the sports sector is that few players' associations have this right as collective bargaining agreements are virtually unknown outside of a small number of major team sports. Nevertheless, maintaining this distinction – the AC is entitled to be informed and consulted while the relevant trade union has the right to negotiate and bargain – may be a useful starting point in delineating the spheres of influence between an AC and a union.

The relationship between EWCs and trade unions is quite complex and involves both constructive engagement and criticism. In terms of engagement, trade unions gave a cautious welcome to the 'Recast' Directive of 2008<sup>51</sup> that improved definitions of information and consultation and gave trade unions a bigger role in EWCs.

Many unions have also adopted, from the initial establishment of EWCs in the 1990s, a strategy of being the dominant voice in the EWC. For example, the European Federation of Building and Woodworkers states:

*It is of utmost importance for national trade unions to appoint EWC members when seats are given to a country. The stronger the presence of trade unions in the EWCs, the better the conditions to influence the strategies of multinational companies. Solidarity of workers can be accomplished if a structured trade union network exists.<sup>52</sup>*

In other words, the strategy of the union is to take over the EWC to ensure that it effectively becomes an alternative forum for trade union consultation. Unions in the sports sector may wish to consider a similar strategy in respect of ACs.

Despite constructive engagement with EWCs, unions also adopt a critical perspective in regard to the relative weakness of an EWC to effectively hold company management to account and the lack of sanctions for where EWC rights are breached. The European Trade Union Confederation (ETUC) notes that “some of the weaknesses of the recast directive are:

- Employers can easily stall or completely block the establishment of an EWC.
- EWCs are often informed after final decisions have already been taken.
- Confidentiality clauses are often misused by management to withhold information.”<sup>53</sup>

Overall, the works council offers an example from other sectors of worker representation outside of the official trade union processes and might be seen as bodies that are broadly analogous to ACs. The relationship between EWCs and trade unions is complex but has largely been constructive to the extent that unions have viewed positive engagement with the EWC as a means to extend union influence and build their own organisational capacity while recognising the inherent weaknesses of the EWC model.

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<sup>51</sup> See *Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009* at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0038>

<sup>52</sup> See <https://www.efbww.eu/activities/european-works-councils>

<sup>53</sup> ETUF. “European Works Councils”. Available at <https://www.etuc.org/en/democracy-thematic/european-works-councils>





## Chapter 3: SAPIS survey: Athlete representatives are satisfied, but challenges remain

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### Introduction

As part of the Strengthening Athlete Power in Sport (SAPIS)-project, a survey was held among athlete representatives in different types of sports organisations. In this report, the results of this survey are presented, with the aim to gain insight into the extent to which principles of democracy have been implemented in sports governance regarding athletes' influence and representation.

### Sample selection and response group

As of September 2021, invitations to take part in the survey were sent via unique links to the network of personal contacts of the SAPIS athlete representatives. Moreover, key athlete representatives or staff in major international sports organisations were encouraged to distribute invitations to their peers. SAPIS partners also used their social media accounts to disseminate open links for invitations.

More than 400 personal links were disseminated, but because of the decision also to use open links, no response rate can be calculated.

A total of 163 answers were registered, 98 of which were using personal links and 65 open links. 17 answers were annulled because they were doublets or considered irrelevant as they were not athlete representatives.

The remaining 146 athlete representatives represent athletes in 122 different organisations. These organisations can be divided into seven categories, including 'other'.



**Table 1: Distribution of respondents across types of organisations**

Valid	For which body can you best answer questions about the influence and representation of athletes? (only a single answer possible)	N	%
	Athlete committee of the International or regional Olympic/Paralympic Committee	11	8.4
	Athlete committee of an international or regional sports governing body	22	16.8
	Athlete committee of a national Olympic/Paralympic Committee	27	20.6
	Athlete committee of a national sports governing body	5	3.8
	International athlete/player union/association	19	14.5
	National athlete/player union/association	42	32.1
	Other, namely:	5	3.8
	Total	131	100,0
Missing		15	
<b>Total</b>		146	

**Table 2: Demographics of the respondents: Gender**

What is your gender? (N=102)	%
Male	56.9
Female	43.1

**Table 3: Demographics of the respondents: Age group**

What is your age group? (N=102)	%
15-29	6.9
30-44	68.6
45-60	22.5
61+	2.0

**Table 4: Demographics of the response group: Education level**

What is your highest level of education obtained? (N=102)	%
(equivalent to) High school	6.9
(equivalent to) Vocational training	4.9
(equivalent to) Bachelor	24.5
(equivalent to) Master	54.9
(equivalent to) Doctorate/PhD	4.9
Other, namely:	3.9

**Table 5: Demographics of the response group: Nationality**

What is your nationality?	N
Asia	0
South America	0
North America	1
Australia/Oceania	2
Africa	3
Europe, of which:	96
France	13
Great Britain	10
Italy	9
Total	102

The sports most practised by the respondents are football/futsal (17), basketball (11), handball and athletics (6). An overwhelming majority practised their sport at an international level.

**Table 6: Demographics of the response group: Sports career**

Do or did you practice this sport at an international level? (N=102)	%
No	20.6
Yes	79.4
Total	100.0

The respondents represent athletes in many sports; 41.1% represent athletes from all sports, all Olympic or Paralympic sports, or a great variety of sports. The other respondents represent athletes in particular branches of sport (like alpine skiing, basketball, or rowing) or small groups of sports. In our response group, they are fairly evenly distributed over more than thirty sports. Only football stands out in terms of the number of respondents (14.7%).

The response rate and characteristics of the response group indicate that findings from this survey can be extended from the sample population to the overall population of athlete representatives, taking into account some biases like the overrepresentation of athlete representatives from Europe and football. However, the size of the response group does limit the search for correlations between variables. When different subsets are compared, the number of respondents per subcategory is often too small to make reliable statements for the entire subset, such as the type of organisation in which they represent athletes.

## Questionnaire

The survey consisted of 46 questions divided into six parts. The first set of questions concerned the body in which the respondent represents athletes. A second set of questions dealt with strategic policy issues of these bodies regarding athlete representation: Resources, priorities, achievements, and challenges. Three other sets of questions were based on an operationalisation of the theoretical framework that has resulted from our review of

the literature on athlete representation and democratic theory. The survey ended with some demographic questions.

The operationalisation of the theoretical framework on athlete representation and democratic theory depicts the ideal institutional arrangements according to three ideal models of democracy: Representative democracy, participatory democracy, and deliberative democracy. To measure the extent to which these three models of democracy have been implemented in sport governance, the respondents were asked to indicate to what extent the bodies in which they represent athletes have the following ideal institutional arrangements.

### **Representative democracy**

- Athletes appoint representatives through free and competitive elections
- All represented athletes have an opportunity to take part in the elections of those that represent them
- Athlete representatives formally take part in decision-making concerning decisions, rules, or policies that directly affect athletes
- Athlete representatives produce regular narrative accounts that seek to justify their representative behaviour
- Athlete representatives are sensitive to criticism from the represented athletes
- Athletes have the opportunity and capacity to critically evaluate the performance of those that claim to represent them and subsequently hold them to account
- Athletes have opportunities for informing themselves about decision-making processes
- Athletes can contest decisions, rules, or policies that directly affect them
- The basic rights of athletes are constitutionally protected through statutory requirements.

### **Participatory democracy**

- All directly affected athletes have genuine opportunities to participate directly in collective decision-making (i.e., through referenda, public hearings, town halls) of decisions, rules, or policies
- All directly affected athletes have equal access to participation
- Athletes' voices are not only heard but heeded thanks to a transfer of power.

### **Deliberative democracy**

- Deliberative forums exist where athletes can form their opinion and which produce narrative accounts
- Open, consensus-oriented discussions based on argumentation take place between athletes and their representatives
- Open, consensus-oriented discussions based on argumentation take place between athletes and those that make decisions on issues that directly address athletes
- Sports governing bodies incorporate a forum for authentic deliberation and this deliberative forum produces narrative accounts.

## Strategic policy issues

### Policy priorities

The main policy priorities of representing athletes are to protect and support athletes' rights and improve their position, working conditions, and well-being. Other priorities often mentioned are: Attention to dual and post-athletic careers, gender equality, and integrity issues. As one of the respondents summarises:

*“Voice, protection and perspective of athletes. We want a sport system that gives the athletes the world’s best conditions to unfold their athletic and personal potentials while respecting them as human beings and in their human rights.”*

### Policy achievements

It is frequently mentioned as a policy achievement that athlete representatives have acquired a position in the relevant sports organisation. In many cases, athlete representation is still in such an early stage that the establishment of an athletes' committee, its recognition and financing, gaining influence and being included in decision-making, is perceived as an achievement in itself. In situations where the representation has a longer history, other merits are pointed out, such as the realisation of financial and contractual improvements (standard contracts, collective agreements, equal salaries, pension schemes, and so on), regulatory improvements (legal victories, realisation of better rules and regulations), developing programmes for athletes (career transition, anti-doping, mental health, safeguarding), and improving information and communication with athletes.

### Policy challenges

The biggest policy challenges for athlete representatives' bodies can be summarised under five broad categories. First, it is frequently emphasised that athletes should become more aware of their position and rights and that they should become more involved in the development of sports policy. This also requires improvement of communication with and information provision to athletes. The second challenge is the pursuit of respect for the rights of the athlete and obtaining a corresponding position in sports organisations. This is about more than just being heard. The challenge is to achieve real impact – and at an early stage in the decision-making process. A third challenge is to obtain sufficient funding and an independent position. A fourth challenge that is often mentioned is to improve working conditions, collective agreements, salary levels, and prize money, and increase equality in these respects, especially between men and women.

## Representative democracy

As our theoretical framework indicates, the first model of democracy, representative democracy, considers the direct participation of all constituents in decision-making to be both unrealistic and undesirable. According to this model, power is best delegated to a limited number of representatives. Consequently, accountability of those who govern by the governed is a key component of representative democracy. It is to be ensured through free,

fair, competitive, and recurrent elections.<sup>54</sup> Against that background, we posed questions in our survey about the equality of opportunities and representation, the way the election or appointment process takes place, and the organisational facilities to fulfil a representative task within the organisation in which they represent athletes.

### Equality of representation

A vast majority of respondents think that they represent all targeted athletes equally and that athletes have equal opportunities to become an athlete representative. Those who disagree have various reasons for doing so, for example, because all continents are not equally represented, because the number of representatives is too limited, because diversity on gender and race is not yet accomplished, and the like.

**Table 7: Equality of representation of targeted athletes**

<b>Do you think that you and your colleagues represent all targeted athletes equally in this body, regardless of race, colour, national origin, religion, sex (including sexual orientation, gender identity or transgender status), age and disability? (N=128)</b>	<b>%</b>
Yes	82.0
No	14.8
I don't know	3.1

**Table 8: Equality of opportunities to become an athlete representative**

<b>Does everyone have equal opportunities to become a representative of athletes in this body, regardless of race, colour, national origin, religion, sex (including sexual orientation, gender identity or transgender status), age and disability? (N=127)</b>	<b>%</b>
Yes	90.6
No	7.1
I don't know	2.4

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<sup>54</sup> Geeraert, A. (2021). 'Theoretical framework: the three models of democracy' in McNamee, M., Carrio, A., Geeraert, A., Ham, E., Harvey, A., and Zohn, A. (2021). *Strengthening athlete power in sport - A multidisciplinary review and framework*, pp. 9-13. Aarhus: Play the Game.

**Table 9: Eligibility criteria to become an athlete representative**

What are eligibility criteria to become an athlete representative in this body? (multiple choice for each respondent; N=124)	%
Minimum age	26.6
Age limit	3.2
Non-sport qualifications	7.3
Sport qualifications	37.1
Being active or having been active recently as an athlete	70.2
Being elected by athletes	66.9
Being nominated by a sport organisation	20.2
Being appointed by the Board or president of a sport organisation	21.0
Other, namely:	13.7
I don't know	0.8

It happens regularly that athlete representatives are removed from their position in the body in which they represent athletes. Out of 118 respondents, 21 indicated that this has happened over the last ten years.

**Table 10: Removal of athlete representatives from their position**

As far as you know, have athlete representatives been removed from their position in the body in which you represent athletes over the last ten years? (N=118)	%
Yes	17.8
No	62.7
Not applicable	3.4
I don't know	16.1

As reasons for removal or resignation were mentioned for example athletic career ending, conflicts of interest, anti-doping violations, structural inactivity, or disagreement with the presidium.

### **Characteristics of the election or appointment process**

A vast majority of the respondents (almost 90%) indicate that the election or appointment process is free and fair. There is more doubt about the competitiveness (more than one candidate) of this process. Fewer respondents are also of the opinion that the selection or appointment procedure of athlete representatives is based on their knowledge and competences.

**Table 11: Freedom of election or appointment process**

<b>The election or appointment of athlete representatives is free (i.e., any eligible candidate can participate or apply) (N=118)</b>	<b>%</b>
Disagree	3.4
Don't agree/don't disagree	4.2
Agree	29.7
Strongly agree	60.2
Don't know/not applicable	2.5

**Table 12: Competitiveness of election or appointment process**

<b>The election or appointment of athlete representatives is competitive (i.e., more than one candidate normally stands for election or selection) (N=118)</b>	<b>%</b>
Strongly disagree	1.7
Disagree	16.9
Don't agree/don't disagree	18.6
Agree	32.2
Strongly agree	26.3
Don't know/not applicable	4.2

**Table 13: Fairness of election or appointment process**

<b>The election or appointment procedures of athlete representatives is fair (N=118)</b>	<b>%</b>
Strongly disagree	0.8
Disagree	0.8
Don't agree/don't disagree	6.8
Agree	28.8
Strongly agree	60.2
Don't know/not applicable	2.5

**Table 14: Knowledge and competences as basis of election or appointment**

<b>Athlete representatives in the election or appointment procedure are selected based on their knowledge and competences (N=118)</b>	<b>%</b>
Strongly disagree	1.7
Disagree	7.6
Don't agree/don't disagree	17.8
Agree	45.8
Strongly agree	25.4
Don't know/not applicable	1.7

While caution is required with generalising across subgroups due to the low number of respondents, the lack of competitiveness of the election or appointment process appears to be more common in national than international sports organisations and even more in athlete/player unions/associations.

**Table 15: Competitiveness of election or appointment process by type of organisation**

Please indicate to which extent you agree or disagree with the following statement: "The election or appointment of athlete representatives is competitive (i.e., more than one candidate normally stands for election or selection)"							
		Strongly disagree / disagree (%)	Don't agree/ don't disagree (%)	Strongly agree /agree (%)	Don't know/ N/A (%)	(%)	(N)
For which body can you best answer questions about the influence and representation of athletes? (only a single answer possible)	Athlete committee of the International or regional Olympic/Paralympic Committee	0	0	100	0	100	7
	Athlete committee of an international or regional sports governing body	5	16	74	5	100	19
	Athlete committee of a national Olympic/Paralympic Committee	19	15	58	8	100	26
	Athlete committee of a national sport governing body	25	0	50	25	100	4
	International athlete/player union/association	21	16	58	5	100	19
	National athlete/player union/association	28	31	41	0	100	39
	Other	0	0	100	0	100	4
<b>Total</b>		19	19	58	4	100	118

According to the model of representative democracy, free, fair, and competitive election or appointment processes based on the knowledge and competence of the electable athlete representatives, contribute to their accountability. In line with the vast majority of the respondents that believe that the election or appointment process is free and fair, about 81% are of the opinion that they can be held accountable by the athletes they represent. Three-quarters of them also assess themselves as sensitive to criticism from the athletes they represent.



**Table 16: Athlete representatives' self-assessment of their accountability by the athletes they represent**

<b>We can be held accountable by the athletes that we represent (N=110)</b>	<b>%</b>
Strongly disagree	0.9
Disagree	9.1
Don't agree/don't disagree	6.4
Agree	56.4
Strongly agree	24.5
Don't know/not applicable	2.7

**Table 17: Athlete representatives' self-assessment of their sensitivity to criticism from the athletes they represent**

<b>We are sensitive to criticism from the athletes that we represent (N=110)</b>	<b>%</b>
Strongly disagree	3.6
Disagree	5.5
Don't agree/don't disagree	11.8
Agree	50.9
Strongly agree	25.5
Don't know/not applicable	2.7

### **Opportunities and capacities to represent athletes**

In general, the respondents are positive and not very critical about the circumstances under which they fulfil their task as an athlete representative. A majority is satisfied with how athlete representation is organised and agrees with the statements that they can perform their representative work effectively and independently.

**Table 18: Satisfaction with the organisation of athlete representation**

<b>I am satisfied with how athlete representation is organised in the body I am a part of (N=110)</b>	<b>%</b>
Disagree	7.3
Don't agree/don't disagree	22.7
Agree	43.6
Strongly agree	26.4

**Table 19: Assessment of effectivity of athlete representation**

<b>We have organised athlete representation effectively (N=110)</b>	<b>%</b>
Disagree	7.3
Don't agree/don't disagree	11.8
Agree	53.6
Strongly agree	26.4
Don't know/not applicable	0.9

**Table 20: Assessment of independence of athlete representation**

<b>We can perform our representative work independently (N=110)</b>	<b>%</b>
Strongly disagree	0.9
Disagree	5.5
Don't agree/don't disagree	10.9
Agree	44.5
Strongly agree	38.2

There is more dissatisfaction among athlete representatives with the staffing and the budget to fulfil their tasks. About a third of the respondents disagreed with statements that the staffing and budget are sufficient to represent athletes. One in twelve disagreed strongly.

**Table 21: Assessment of staffing of athlete representation**

<b>We have sufficient staff members to fulfil our representative role (N=110)</b>	<b>%</b>
Strongly disagree	8.2
Disagree	23.6
Don't agree/don't disagree	12.7
Agree	33.6
Strongly agree	18.2
Don't know/not applicable	3.6

**Table 22: Assessment of budget to fulfil a representative role**

<b>We have sufficient budget to fulfil our representative role (N=110)</b>	<b>%</b>
Strongly disagree	8.2
Disagree	23.6
Don't agree/don't disagree	9.1
Agree	38.2
Strongly agree	16.4
Don't know/not applicable	4.5

In this respect, there are hardly any differences between the seven different types of organisations. Also, partly due to the low number of respondents, no patterns can be found regarding other variables for those who strongly disagree with this statement.

Commercial activities and membership fees are the main sources of income of the body in which the respondents represent athletes, followed by contributions from IOC/IPC, NOC/NPC, and governments.

**Table 23: Main source of income of the body that represents athletes**

What is the main source of income of the body in which you represent athletes? (multiple answers possible)	N
Commercial activities (advising, image rights, events, tv, sponsors)	32
Membership fees	27
IOC/IPC	17
NOC/NPC	13
Governmental support	13
ISF	9
NGB	8
Donations and partnerships	6
Other	9
Don't know	5

The source of income is directly related to the extent to which athlete representatives can operate independently. As one respondent commented:

*“We have a fair amount of funding through our governing body; if we could exist without this we would have far more liberty and expression without fear of losing funding.”*

## Participatory democracy

The second model of democracy that we identified in our theoretical framework is participatory democracy. This model stresses the importance of direct participation in collective decision-making, and the need to have equal access to participation and to avoid exclusion and marginalisation<sup>55</sup>.

Most athlete representatives (72%) formally take part in decision-making processes in the organisation in which they represent athletes. For about one in five athlete representatives this is not the case.

**Table 24: Formal participation in decision-making by athlete representatives**

As athlete representatives, we formally take part in decision-making in this organisation concerning rules or policies that directly affect athletes (N=111)	%
Strongly disagree	7.2
Disagree	12.6
Don't agree/don't disagree	6.3
Agree	48.6
Strongly agree	23.4
Don't know/not applicable	1.8

<sup>55</sup> Ibid.

A majority of athlete representatives (72%) also believe that they have an impact on decisions, rules, or policies that directly affect athletes, while 15% disagree with that.

**Table 25: Impact of athlete representatives on decisions, rules, or policies that directly affect athletes**

<b>As athlete representatives, we have impact on decisions, rules, or policies of this organisation that directly affect athletes (N=111)</b>	<b>%</b>
Strongly disagree	2.7
Disagree	12.6
Don't agree/don't disagree	11.7
Agree	47.7
Strongly agree	24.3
Don't know/not applicable	0.9

Almost all of them feel free to speak out against decisions, rules, or policies that directly affect athletes.

**Table 26: Perceived openness by athlete representatives to speak out freely against decisions, rules, or policies that directly affect athletes**

<b>As athlete representatives, we feel free to speak out against decisions, rules, or policies of this organisation that directly affect athletes (N=111)</b>	<b>%</b>
Strongly disagree	1.8
Disagree	3.6
Don't agree/don't disagree	7.2
Agree	46.8
Strongly agree	40.5

In order to play a firm, independent role in decision-making, it is important that athletes can set their own agendas and come up with their own proposals or set priorities in the organisation where they represent the athletes. 60% of the respondents indicate that this is the case; 15% of the athlete representatives believe that this is not or not at all the case.

**Table 27: Ability of athletes to set their own agenda and priorities**

<b>Athletes are able to set their own agenda, come up with proposals, and/or set priorities in this organisation (N=111)</b>	<b>%</b>
Strongly disagree	3.6
Disagree	11.7
Don't agree/don't disagree	21.6
Agree	41.4
Strongly agree	19.8
Don't know/not applicable	1.8

The ability to set their own agendas depends on the opportunities for athletes to get information about decision-making processes. About 70% of athlete representatives agree that athletes do have those opportunities, while 15% do not agree.

**Table 28: Opportunities for athletes to get information**

<b>Athletes have opportunities to get information about decision-making processes (e.g. statutes, meeting dates and agenda, action and decision list) in this organisation (N=111)</b>	<b>%</b>
Strongly disagree	1.8
Disagree	13.5
Don't agree/don't disagree	12.6
Agree	45.9
Strongly agree	24.3
Don't know/not applicable	1.8

Moreover, in the ideal of participatory democracy, it is essential that athletes can appeal decisions, rules, or policies that directly affect them. According to athlete representatives, this holds true for 60% of the sports organisations they deal most with in the representation of athletes, while athletes do not have the right to appeal in one of five of these sports organisations.

**Table 29: Athletes' right to appeal to decisions, rules, or policies that directly affect them**

<b>Athletes have the right to appeal to decisions, rules, or policies that directly affect them in this organisation (N=111)</b>	<b>%</b>
Strongly disagree	4.5
Disagree	17.1
Don't agree/don't disagree	16.2
Agree	42.3
Strongly agree	18.0
Don't know/not applicable	1.8

Participation in the decision-making process by athletes does not guarantee an impact on the policies adopted by a sports organisation. It is also important that they are involved in

policy development before and during policy implementation, and in the evaluation afterwards. The athlete representatives are less positive about this. About half believe that this is the case, but a substantial group – about a third to a quarter – disagrees with that.

**Table 30: Involvement of athletes in policy development before policy implementation**

<b>Athletes are involved in policy development by this organisation <i>before</i> it implements policies (N=111)</b>	<b>%</b>
Strongly disagree	2,7
Disagree	27,0
Don't agree/don't disagree	12,6
Agree	41,4
Strongly agree	12,6
Don't know/not applicable	3,6

**Table 31: Involvement of athletes in policy development during policy implementation**

<b>Athletes are involved in policy development by this organisation <i>while</i> it implements policies (N=111)</b>	<b>%</b>
Strongly disagree	1.8
Disagree	20.7
Don't agree/don't disagree	23.4
Agree	35.1
Strongly agree	14.4
Don't know/not applicable	4.5

**Table 32: Involvement of athletes in policy evaluation after policy implementation**

<b>Athletes are involved in policy evaluation by this organisation <i>after</i> it implements policies (N=111)</b>	<b>%</b>
Strongly disagree	1.8
Disagree	23.4
Don't agree/don't disagree	18.9
Agree	40.5
Strongly agree	11.7
Don't know/not applicable	3.6

## Deliberative democracy

The third model of democracy, deliberative democracy, emphasises deliberation as the essence of democracy. Deliberation is a social process in which actors are amenable to changing their judgements, preferences and views. For decisions to become democratically legitimate, it is essential that they receive reflective assent through participation in authentic deliberation by all those who are subject to it. Consequently, deliberation must be embedded in athlete representation. Athletes must be encouraged to form their opinions, which can occur in multiple deliberative arenas and forums. However, proponents of deliberate

democracy acknowledge that only a limited number of actors will be involved in deliberation and that some may have privileged access to information and decision-making. Deliberation must therefore be accompanied by the production of narrative accounts that justify decisions, actions, and results to the athletes.<sup>56</sup>

Almost all athlete representatives (91%) believe that they have open, consensus-oriented discussions with athletes, based on argumentation about decisions, rules, or policies that directly affect them. Only 2% disagrees with that, no-one strongly disagrees.

**Table 33: Extent to which athlete representatives have open, consensus-oriented discussions with athletes**

<b>As athlete representatives, we have open, consensus-oriented discussions with athletes based on argumentation about decisions, rules, or policies that directly affect them</b>	<b>%</b>
Disagree	1.7
Don't agree/don't disagree	6.0
Agree	42.7
Strongly agree	47.9
Don't know/not applicable	1.7

While most athlete representatives believe there is open, consensus-oriented deliberation, those who disagree are not equally distributed by type of organisation. Fifteen respondents disagreed with this statement. They all most often deal with the IOC/IPC or an international sports governing body in their representation of athletes.

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<sup>56</sup> Ibid.

**Table 34: Extent to which athlete representatives have open, consensus-oriented discussions with athletes, by type of organisation that the athlete representative most often deals with in the representation of athletes**

Indicate to what extent you agree or disagree with the following statement: "As athlete representatives, we have open, consensus-oriented discussions with athletes based on argumentation about decisions, rules, or policies that directly affect them", by type of organisation that the athlete representative most often deals with in representation of athletes						
	Disagree	Don't agree/ Don't disagree	Strongly agree/ agree	Don't know/ not applicable	Total	Total
	(%)	(%)	(%)	(%)	(%)	(N)
International Olympic/Paralympic Committee	11	0	89	0	100	9
International sports governing body	4	8	88	0	100	25
Regional Olympic/Paralympic Committee	0	0	100	0	100	3
Regional International sports governing body	0	0	100	0	100	1
National Olympic/Paralympic Committee	0	10	87	3	100	30
National sports governing body	0	3	95	3	100	39
Other, namely:	0	13	88	0	100	8
Total	2	6	90	2	100	115

The ideal of deliberative democracy underlines the importance of interaction and information exchange. Athlete representatives make use of a variety of methods to stay in touch with the athletes they represent and collect information from them.



**Table 35: Methods used to stay in touch with athletes and collect information from them**

As an athlete representative who speaks on behalf of athletes, what methods do you use to stay in touch with the athletes you represent and collect information from them? (multiple choice for each respondent, N=115)	%
(Public) meetings	67.0
(Online) forums	61.7
Social media	70.4
WhatsApp or other group chats	78.3
Email	81.7
Questionnaires	57.4
Round tables	35.7
Ad hoc thematic working groups	31.3
Participation in general assemblies	47.0
Regional or team representation	33.0
Regular team visits /athlete meetings	51.3
Other, namely:	9.6
None of the above	0.0

However, the extent to which these methods are used differs greatly per type of organisation. With only a few exceptions, international and national athlete/player unions/associations make far more use of all methods mentioned (the use of public meetings, online forums, social media, WhatsApp or other group chats, email, questionnaires, round tables, thematic working groups, participation in general assemblies, regional or team representation and regular team visits/athlete meetings) than athlete committees of national Olympic/Paralympic committees and national sports governing bodies, which in turn use these methods more than athlete committees of international sports governing bodies and the IOC or IPC.

**Table 36: Methods used to stay in touch with athletes and collect information from them, by type of organisation**

Athlete representatives that make use of all methods mentioned in table 35 to stay in touch with athletes they represent and collect information from them, by type of organisation (N=115)	yes (N)	no (N)	%
Athlete committee of the International or regional Olympic/Paralympic Committee	39	93	29.5
Athlete committee of an international or regional sports governing body	78	186	29.5
Athlete committee of a national Olympic/Paralympic Committee	131	193	40.4
Athlete committee of a national sports governing body	20	40	33.3
International athlete/player union/association	146	82	64.0
National athlete/player union/association	272	232	54.0

## Overall assessment

In general, a vast majority of athlete representatives believe that they make a meaningful contribution to the needs of athletes and how that is organised in the body they are part of.

**Table 37: Overall assessment of contribution athlete representatives**

<b>We make a meaningful contribution to the needs of athletes (N=110)</b>	<b>%</b>
Disagree	1.8
Don't agree/don't disagree	11.8
Agree	36.4
Strongly agree	50.0

As one respondent commented in the final question:

*"Athletes have a voice and I am their voice. I have to ensure that their voices are heard by those who make decisions."*

It should of course be taken into account here that this survey is based on self-assessment. Yet, several respondents testify that the process of strengthening the influence and representation of athletes in the governance and management of sports organisations is still in its early stages.

*"We are a new Athletes' Commission and are working hard to make progress."*

They believe that major steps have already been taken, but also that there is still a long way to go:

*"Many of the decisions take a long path before they become public. I feel we have a good chance to shape many decisions from the very start. Also, the initiatives have been well received and put into action on a good percentage."*

Other respondents add that there is still a world to win:

*"Overall I feel there have been made big steps in the last years, however, there are still a lot of political rules we need to follow that block us from doing the best things possible for the athletes."*

*"Occasionally, we do have a say in decisions but we're only one voice out of many."*

*"Today I feel with one voice in the executive committee and no debate possible: athletes are not the priority. Athletes need help. They are not free to talk and express what they think. They don't know their rights."*

Still, almost all respondents believe in the importance and significance of their profession.

**Table 38: Recommendation to athletes to become an athlete representative**

<b>I would recommend other athletes to represent athletes in the body I am a part of (N=110)</b>	<b>%</b>
Strongly disagree	0.9
Don't agree/don't disagree	4.5
Agree	44.5
Strongly agree	48.2
Don't know/not applicable	1.8

## Conclusions

The starting point of the SAPIS project was the widespread belief that the role of athletes in national and international sports governance is no more than marginal, and acknowledgement of their role(s) was often little more than tokenism. The project provides an analysis of this problem and provides insight into possible solutions.

It is acknowledged that progress has been made in athlete representation over the past decade. Our survey shows that athlete representatives are quite positive about the possibilities they have to represent athletes (representative democracy), to involve athletes in decisions that directly affect athletes (participatory democracy), and to reach mutual consensus in an open discussion with athletes (deliberative democracy). The vast majority of athletes representatives surveyed believe that they make a meaningful contribution to the needs of athletes and how that is, or might be, organised in the body they are part of.

However, although the election or appointment process is often free and fair, there is doubt about the competitiveness (i.e. there being more than one candidate standing) of this process and that the selection or appointment procedure of athlete representatives is based on their knowledge and competence. This raises questions of who represents athletes – whether the athlete representative is genuinely elected or somehow appointed, whether their election or appointment is based on knowledge and competence, athletic performance or good relations, how inclusive the resulting athlete representation is, whether all athletes are evenly represented, and whether athlete representatives' term of office is long enough to understand the nature of the role and its possibilities, and/or to exert influence along formal and informal lines?

A further problem arises from the question of whether athlete representatives can carry out their work independently. Although athlete representatives themselves state that they can do their representative work effectively and independently, several representing bodies are financially dependent on sports federations or governments. They also indicate that they feel free to speak out against decisions, rules, or policies that directly affect athletes. Nevertheless, a substantial and stable percentage (about 15% to 20%) of the respondents indicate that they:

- do not formally take part in decision-making processes in the organisation in which they represent athletes

- cannot set their own agenda nor come up with proposals
- do not get information about the decision-making process
- cannot appeal decisions, rules, or policies that directly affect athletes.

Organisational independence is crucial so that athlete representatives can raise their voices with no fear or favour.

Moreover, participation in the decision-making process by athletes does not guarantee that they can have an impact on the policies adopted by a sports organisation. A third to a quarter of the respondents state that they are neither involved in policy development before and during policy implementation, nor in the evaluation afterwards. Representation is more than merely influencing decision-making. Policy studies learn that there is a gap between policy plans and agency outcomes. Participation in the decision-making process by athletes does not guarantee an impact on the policies adopted by a sports organisation. This insight raises further questions: To what extent do athlete representatives have a voice in decision-making, do they have a seat at the table, and do they have a real impact on policy implementation, on policy evaluation, and reviewing funding?

Finally, problems in areas of representative democracy, deliberative democracy and participatory democracy can damage the legitimacy of athlete representatives through a lack in representation, deliberation or involvement. Improving athlete representation should not only focus on the process of election or appointment or degree of representation. It should also focus on the extent to which athlete representatives can operate independently, how they interact and communicate with athletes, and how they exert their influence in possible other (also informal) ways.





# Chapter 4: Understanding the practices of representation in athlete trade unions

By Andy Harvey, Swansea University

SAPIS interviewed six officials from athlete trade unions on their motivation, skills, governance conditions, relations to members, and an array of issues particular to the sports sector. All were aware that their legitimacy was dependent on showing they were representing the collective view of the athletes.

## Methodology

For this chapter, six player association officials were interviewed. These were two trade union federations – one national and one international – three interviewees worked for national single sport unions, and one for a union which organised two sports. Interviews were conducted by Zoom or Teams and lasted between 37 minutes and 1 hour 6 minutes. Only selective quotes were retrieved from the interviews for the purpose of this report.

## Motivations

The reasons why player association officials became involved in athlete representation work can be categorised into four themes. Firstly, all respondents mentioned that they were passionate about, or at least interested in, sport and had participated in sport before becoming involved in a players' union or even starting one themselves. It was not necessary for the representative to have played top-level sport, although some had done so and at least one continued to do so. The second major theme is that the officials felt that union work was close to their personal values, such as respect for human rights.

*“I never had a direct motivation to do it, but it just turns out that it is something I am very passionate about and is very close to my values.”*

(TU 1)

*“I wanted to find a job where my passion lies. I'm a really passionate sportsman.”*

(TU 2)

They felt that being involved in union work would be a way to promote the interests of athletes and enable their voices to be heard better through organising the players collectively. They were motivated to help them make positive changes to athletes' working lives. At least one respondent had personal experience of union support as a player and had learned about the union work that way, while two others had been involved in the union as players.



“I had had some help from the union ... I have always been a players’ representative. I used to play in clubs where everything was ok, but it was important for me also that my teammates signed up and was standing shoulder to shoulder with players from other clubs.”

(TU 6)

A third theme pertained to the professional skills of the official, usually as a lawyer, that had led them to consider union work as a career option. A final theme was that working as a players association official was serendipitous, at least to an extent in that they had fallen into it rather than it being a career ambition.

Given that there seems to be no formal career path into trade union work, it is unsurprising that respondents noted that there was an element of chance involved in working for a players’ association. Nor is it surprising that interviewees mentioned that their values and principles – for human rights, for collective action, for improving the working lives of athletes – had led them to a players’ association.

Similarly, it was expected that all officials interviewed expressed a love for sport and were passionate about sport as much as for the rights of the athletes they represent. A main difference with officials who work for trade unions in mainstream sectors is the proliferation of lawyers among the officials interviewed. This may be a reflection on the extent of individual contract work that a players’ association carries out on behalf of its members in comparison to other unions.

## Knowledge and competencies

The key knowledge and competencies that were mentioned often corroborate the responses to the question on motivation. A primary theme was that it was necessary to be close to the players, to have empathy with them, to be able to listen to their concerns and to understand their needs in order to be able to represent them effectively.

“You have to have, you know, a fair amount of empathy and emotional intelligence of understanding what players need, what players want, and what your teammates need and have a more holistic view.”

(TU 3)

Knowledge of the way sport is run and governed was deemed to be critical as the key decisions are taken in the board and committee rooms. Broader knowledge of the sports system at national and European levels was noted. Legal knowledge was also mentioned as helpful as much union work involved contractual relations between athletes and employers. In terms of competencies, the question of values and principles was raised again as well as the need to be determined and assertive.

“First of all, you have to be transparent, be honest, and have strong values and principles and confidence from also the people you are going to represent.”

(TU 4)

Advocacy skills and the ability to be able to make a case in a measured way were important. Taking a long-term strategic view was mentioned as well as the ability to compromise where necessary.

Perhaps an emerging theme from the interviews is that union officials see themselves as being on the 'side of the angels' when it comes to their values and principles in the sense that they believe they are working to improve the terms and conditions of athletes as well as working for the good of sport.

This is tempered by a pragmatic approach where they understand that exerting influence can take different forms, especially where governing bodies are reluctant to engage directly with the union. Especially noteworthy is the finding that unions are prepared to take the longer-term strategic approach to resolving issues and improving the position of athletes in sport.

## Board structures and appointment processes

There was a multiplicity of processes by which board members were either elected or appointed, which may be reflective of the fact that the unions interviewed took different forms. Nevertheless, there were some common themes which included every union holding a general assembly at regular intervals – usually between one and four years – at which board members were either elected or at least confirmed in their posts. There was a significant degree of pragmatism in the way board members took up their position with suitable candidates being identified and approached in advance of formal election/appointment procedures at a general assembly.

*“These are small organisations and when you have someone with great experience, you don't necessarily want to block them from continuing, especially if you know that maybe there is still an issue a little bit with having replacements.”*

(TU 1)

*“The player and representatives are elected by the procedures that are laid out in the constitution, so they are elected by their peers. On the most part you can almost identify pretty quickly when you know the group who are the leaders and who are the people, who are the right people, so there is a direction ... it is almost a fait accompli when it comes to the vote.”*

(TU 3)

Board sizes ranged from 7 to 15 members and there was a concern expressed to ensure (or at least strive towards) gender equality and representation from different parts of the sport. Boards meet about three-four times per year and terms served range between two to four years. Only one union had formal term limits on board membership with others looking at it but expressing a concern that they wanted to keep expertise. In at least one case some board members were also employed by the union.



“The formal Board is composed both of active players, men and women ... and former players and the former players are also employed by the union. They are elected by a GA that is composed of all the active members.”

(TU 5)

In national unions, board members were either athletes or former athletes, while for the federations board members would be drawn from the affiliate membership. The general secretary/directors were all appointed positions who were answerable to the board although at least one respondent acknowledged that this oversight was not always very robust.

There was an interesting mix of democracy and pragmatism in respect of how board members would be appointed. While all the unions did have a formal process of election at the general assembly, this was often a rubber-stamping exercise.

Strong concerns were expressed that it was necessary to identify the right sort of people to become board members – ones who would contribute to the union and stand up for the rights of others.

Formal democratic processes seem to be quite weak with few players attending general assemblies. There was also no evidence of contested elections that one would expect to find in many unions. This may have something to do with the size of the unions and the embryonic nature of many of them, but it seemed mostly to have to do with the desire to ensure that board members were aligned with the unions’ objectives.

One union allowed board members to also be employees of the union, which raises issues about the governance of the union as it might blur the line between the strategic responsibilities of the board and the day-to-day work of the union. Overall, it might be argued that there is something of a democratic deficit in many of the unions interviewed.

## Relationships with employers

With two notable exceptions, respondents expressed the view that relationships with governing bodies or with clubs and leagues were often difficult. This was often attributed to the fact that the governing bodies and employers did not want to give up any of their power within sports and were consequently reluctant to enter into any formal agreements with unions.

“They [SGBs] really don’t want to talk to us and that is still the case. For example, European Olympic Committee – I think the more the unions and independent associations develop, the more they push for their own athletes committee to be recognised rather than really talking to us.”

(TU 1)

Nevertheless, there is evidence that some unions were succeeding in moving their employers towards collective bargaining agreements and other formal methods of negotiating

with athletes' representatives. The primary reason given for these shifts was a union's ability to have a high membership density of athletes and to be seen as the representative body for them.

*"At the beginning, it didn't work much because we were only like 60 players members. Now we are 450 ... Now they know that you have a powerful voice and that you can even be able to go on strike ... so they speak to you with more respect."*

(TU 4)

Some unions did have positive relationships with their governing bodies, often based around a shared agenda for growing the sport. In one country, the union had a strong relationship with the NOC that was deemed to be useful for the union, making use of the strategic importance of the distribution of funding to federations to promote athlete representation.

*"I made sure I got into the commission within the NOC that decides the lottery money so if you want any part of the money there is a set of rulings you have to fulfil ... so [where there is] money there is power so I need to be there where the money is divided. ... Together with the NOC we are going to make models and say how we think good athlete representations within federations should look like."*

(TU 2)

Unions adopted a range of strategies to promote their aims within the governing structures of sport. For one union, this meant taking the circuitous route to influence through larger societal institutions such as the European Union.

For others, it meant securing a seat on the board of the governing body and in other committees where the union's voice could be heard.

Informal arrangements were also in evidence with the ability to speak with representatives of the governing body or employers outside of formal meetings deemed to be of importance. Fostering good personal relationships was seen as important for this to work well.

*"Our relationship is very good with the employer. We have a very open relationship. I would be more than happy in picking up the phone to the CEO as I did yesterday to raise an issue that is coming down the track. .... [but] there still is scepticism about the motives of the players association ... but we're just trying to do our best for the athletes to ensure they can perform."*

(TU 3)

Perhaps the most important theme to emerge from this part of the discussion with interviewees was the issue of and importance of power. Overall, many unions felt that sport's decision-makers were reluctant to cede power to unions or athletes and would go out of their way not to do so.

For some, this would involve establishing their own athletes' commissions as a way of avoiding working with independent unions. Although it should be noted that one union had the express objective of developing athletes' commissions within sport as a means of strengthening athlete power, so there is not one single or simple story to be told.

Significant is the way that unions adopt strategic approaches to their aims to gain power on behalf of athletes – from working with the EU and CoE to working in committees of the governing bodies or by negotiating collective bargaining agreements where they can. To fully understand these multiple dynamics and the actors involved a sophisticated theory of power will be needed and could be the focus of an academic article in the future.

## Issues

Unions deal with a huge range of issues related to athlete rights although individual contracts and work arising from those contracts were cited as important by several respondents. For other, simply gaining recognition that athletes are workers and should have a contract of employment was a more fundamental aim.

*“At the moment, the biggest problem we have is that we still have people who consider that they [women players] are not professional. So, we are trying to make everyone recognise the professionalism of women's football”*

(TU 5)

Building the union and the movement was seen as an essential part of the work as it is high membership density that gives the union its bargaining power. In addition to the normal issues that would be found in an employment contract, sports-specific issues were mentioned, such as players' rights to payments when injured as well as rights to social security. Similarly, issues concerning TV coverage and image rights were also mentioned as were specifics about playing conditions such as ball size and weight.

*“I would say that the most important thing is regarding the image rights – how we can safeguard them. But also, for the national team players, how they are paid and recognised as workers you might say. That it's a full-time job for them. When they are playing in the national team, they are away like three months a year.”*

(TU 6)

Providing players with educational opportunities for when they finish sport was also deemed to be important for the union. It is to be expected that athletes' unions would deal with an array of issues that are specific to sport – this is typical of other specialist unions that need to have an in-depth understanding of the sector and industries in which they organise members. Individual contract work was of high importance, perhaps more than one would find in other sectors. As a result, most unions retained a lawyer and the union official often had a legal background. A focus on building the union was evident and suggests that unions understand the need for organising strategies. This might be something to focus on in the education programme of the project.

## Communication with members

This item was regarded by many respondents as the most important issue covered in the interviews and also one of the most difficult. Ensuring that they could be confident that they were speaking on behalf of the athletes collectively was seen as critical to the legitimacy of the union.

*“For well-functioning associations, this is really just something that is really important for them to be player-led because that’s the strength, that’s the argument that you really have when you are arguing with whoever at the national level that you really represent the players.”*

(TU 1)

Depending on the type of union, an array of methods was used to obtain the views of athletes. Face-to-face meetings in changing rooms with players were a popular method for national single sport unions alongside using social media networks such as Instagram and WhatsApp.

*“We visit the teams. So this year we visited the 16 teams of the First Division and also we did a survey to know the situation – the wages, if they have contracts, if they are verbal, written, social security, if they have a copy of them. How they feel, valued or not, any other comments. And then we explain what we do and say to create an environment where we can share ‘what do you think’, ‘what things do we have to do to improve as an association’.”*

(TU 4)

Using a network of player development managers (PDMs) who have close contact with athletes was seen as a useful communication tool by some unions.

*“We have our player development managers that are based in each of the playing groups. They are actually based there. They live there. They go in and they are almost part of the staff there. They can filter back issues as they arise.”*

(TU 3)

More formal methods included using surveys and these were used quite extensively by most of the unions interviewed. Less formal methods included speaking to key players. Developing a network of representatives in clubs was a method used by some unions whereas, for another, building a network of athletes’ commissions within each sport was seen as a good way to stay in touch with the views of athletes within those sports.

As noted above this issue was seen by every interviewee as the most important and most challenging that they faced.

All union officials were attentive to the fact that their legitimacy was highly dependent on being able to show that they were representing the collective view of the athletes they claimed to represent.

For some, this was the critical dividing line between themselves and an athletes' commission that would not have the resources to undertake the amount of work needed to stay close to athletes and to be able to obtain their views and come to a collective position.

Interestingly, this was also seen as a dynamic process with the union official also engaging in advocacy with athletes to persuade them that the union position was the right one and that they should support it.

Where conflicting views arose, these were generally managed in an informal way through persuasion rather than through formal mechanisms of votes at meetings for example. Unions were also adept at using resources allocated to player development as a means to receive feedback on issues related to representation, thus showing how funds often obtained from the Governing Body for the purposes of player education could be extended to help meet union objectives.

Nevertheless, this is an area that officials were acutely aware that they need to be confident about and could usefully form a critical part of an education programme for athlete representative bodies.

## Individual services and benefits

Athlete unions provide a range of benefits and services to members. The precise nature of the work depends on the type of union, in that a union federation tends to focus more on strategic issues that will benefit players and their associations whereas a national union provides direct benefits to members. Many unions were involved in projects, often funded by the EU, through which they could provide member benefits such as education and dual career advice and support.

*"We have study grants. We have an agreement with the Olympic Committee. We are talking about 600 euro for studying help and we have private study grants directly from the association. ... We also have a PDM, a player development manager."*

(TU 4)

*"We provide them with individual legal advice. Then we also have almost ten people working on the dual career and after careers and this is something that we offer them as members. And we also have insurance for them ... and we are trying to develop what we offer them like protection from online abuse."*

(TU 5)

Other projects included those that aimed to counter match-fixing as well as leadership projects to develop union capacity. Legal advice for individual contracts was a common feature of union services. More recent work has responded to contemporary concerns, for example around the protection of players from sexual abuse. Overall, unions provided a significant number of critical benefits and services to athletes across a range of relevant issues.

Union provision of benefits and services, mostly related to legal advice, welfare provision and education and development gives associations a significant role to play within the sports institutional landscape.

Arguably, these activities demonstrate the necessity for union presence in the sports sector and provide a compelling reason why athletes should join an association. Unions have also shown themselves to be adept at using resources provided for player benefits to help with union organising and representation, thereby helping to grow the union using external funding.

In the industrial relations scene, there has often been a false dichotomy stated between a 'servicing' union geared towards providing members with personal benefits and an 'organising' union geared towards a more politically active union which aims to improve workers' terms and conditions of employment. Sports unions show how these twin objectives can be integrated more fully so that member benefits provision can help with union growth and organisation.

## Funding

Along with communications with members, the funding of unions was the most important and difficult issue that officials mentioned. Funding was seen as critical to enable unions to provide benefits and services and offer effective representation but the sources of funding, often from the governing body, were seen as a potential problem for union independence, although all interviewees stressed that they would not let their independence be undermined in this way.

As small associations, membership fees often only contribute a small amount to the overall budget. Depending on the type of union and the sport, additional funding is raised by the management of image rights, proportion of broadcasting income, commercial income, EU project finance and, in some cases, money from the governing body to undertake specific tasks such as player welfare and education. Interviewees were conscious of the possible threat to their independence that this might bring.

*"Funding is really hard. It's probably what keeps me up at night. We have, as I mentioned, a player development programme. That's a joint programme we have with the [SGB]. Joint in that we run the programme, they pay us for it. ... We run a commercial programme too. ... We also have our events which we run. We invite corporates along to*

those which raises lots of money – sell tables all that sort of thing. We have commercial partnerships which are essentially player access. The way our funding is roughly made up is about 5% is player subs, 20% is the joint funding and about 75% is commercial.”

(TU 3)

However, another union was able to fund itself primarily through membership fees and money derived from players.

“The biggest funding for us is the membership fee but also the fee we receive from the national teams. As I said at the beginning, we negotiate for the national teams and from this amount we get some money to do that.”

(TU 6)

Funding and its relationship to union independence is a critical issue for which there is no easy solution. In mainstream sectors, union funding comes primarily from membership fees, but this is not always possible for athlete unions of just a few hundred members, many of whom may not be well paid.

As seen above, membership fees might only raise 5% of the union’s overall income. Although in another case, the union was primarily funded through fees. All the unions had a funding strategy that made use of their particular advantages and position in the sports landscape. Some interviewees noted that the employers might use funding derived from the game to compromise union independence and this was a threat that was prominent in the minds of interviewees, who were clear that they could not let this happen and it would be better to lose the money than to lose their independence. Raising money was also seen as a distraction from the main purpose of the union but one that was necessary.

## Achievements

Union achievements can be seen to have occurred in the collective sphere, with the conclusion of collective bargaining agreements for the first time or for a new bargaining unit such as women players. Building the union membership is seen as a significant achievement since it underpins representation and bargaining rights and effectiveness.

“The biggest achievement is the members. Each year we have more members. Never been a year where there has been a decrease in members. I think that’s the power of the association because that’s what we say when we go to team meetings. We are here because we are all united - it’s not the same to be 50 as to be 500.”

(TU 4)

Some critical legal successes were mentioned that have improved athletes’ rights to pursue their careers. Raising the profile of athletes as professional workers and not hobbyists was seen as a key achievement. Establishing athletes’ commissions in individual sports was seen by one union as an achievement as it would help to provide a liaison and representation point in that sport.

“I think it’s what we have now achieved with the athletes’ commission being obliged – it’s a big achievement.”

(TU 2)

At the individual level, starting and growing player development programmes was mentioned a few times, especially where these programmes could be integrated into the work of the union to support representation work. Interviewees noted that they were also keen to stress that they wanted to improve the financial success of the sport and to grow the game commercially as this would help also to improve athlete benefits from the sport. Helping sports through the COVID-19 crisis was seen as an achievement even when this meant that players had to take a pay cut.

However, the most prominent message that came from this part of the interviews was the need to organise collectively to achieve success for players.

“You get wins when you have the players behind you. The biggest wins you get is that when you are sure that the message you are carrying is the one that the players want. Then you will get the biggest support and be able to get wins.”

(TU 5)

Pragmatism also seems to be very much the prominent sentiment that comes out of the interviews. Union officials were keen to stress how they aligned their interests with the governing body, leagues and clubs to grow sport and improve its financial sustainability.

They saw themselves as partners in this work rather than as adversaries, although this was not always reciprocated by the employers. Becoming the lead provider of welfare, education and player advice was also seen as important and, as noted above, integrating these services into union organising and representation strategies.

Arguably, player associations have carved out a distinct space for themselves in the sports landscape through these activities, which they are able to use to extend their influence into matters of governance. The negotiation of CBAs is a more traditional success for unions, and players’ associations expressed a desire to do this but were pragmatic in their approach if there was resistance to a CBA from employers, in which case they would use other avenues to improve athletes’ rights.

## Challenges

For many unions, the challenges going forward are an extension of the issues they have faced for several years, notably about gaining recognition of athlete status as employees and the union’s right to collective bargaining rights for players.

“There’s a lot of misconceptions about athletes’ representation ... the idea that if you are a former athlete, you represent athletes. We hear it quite a lot actually that you know that we have this person who is the head of the international federation and he is a former



athlete so obviously athlete representation is ensured because he has that perspective. I think this is really problematic.”

(TU 1)

Resources and funding are seen as major challenges for many unions as discussed above. Staying relevant to athletes and being responsive to change is important as well. Overcoming individualist mindsets, especially among younger players was seen as a potential challenge for the future.

“Solidarity for the young people coming up. Not everyone knows what it is and we have - what you say - the trade unions are suffering a little bit from this mindset as the individuals are so focused on themselves and what’s in it for me.”

(TU 6)

Gaining/retaining relevance and legitimacy, both with members and employers, is a major theme, with interviewees acutely aware of the limitations of a small union to ensure that members see the value in it.

A further theme worth exploring is responsiveness to change and awareness of developments such as the need for greater gender equality in sport. Unions are sometimes accused of being institutions that are resistant to change, but the responses to these questions suggest that this is not the case among player associations. In fact, at least one interviewee accused the sports governing body of being stuck in the past and unwilling to change with the times – something of a reversal of the usual narrative.

## Relationships with other athletes’ representatives

Union officials strongly welcomed their membership of other trade union groups such as national player federations, EU Athletes and FIFPro. Being able to share information and find out what is going on elsewhere and in other sports was seen as especially important as well as the ability to offer help to members working in other countries through their affiliate networks. Learning from other unions was viewed as essential.

“For me, the most important thing ... is learning from other unions. Also because you don’t know things that are happening [until hearing how other unions dealt with issues] but then you can improve them. Also, when someone has a problem, you feel like you can help them or support them in some way.”

(TU 4)

Relationships with athletes’ commissions were seen mostly as problematic by respondents for several reasons. Firstly, ACs may not have the structures or resources to be able to effectively represent athletes in many cases and secondly, ACs are often seen as barriers to trade union representation set up by the governing body to avoid having to negotiate with a players’ union. The most notable aspect of this part of the interviews was the attitude of union officials towards athletes’ commissions.

In one case, there was positive encouragement for ACs to develop in all sports as means to improve athlete representation – and in fact, funding for the governing body from the national lottery has just been made dependent upon this. This might be explained by the generally positive relationship the union enjoyed with the NOC in the particular country which explains why they do not see the AC as a threat to the union.

In other cases, interviewees were either hostile to ACs, seeing them as attempts by the employers to sideline the union, or were seen as irrelevant given their lack of resources and lack of visibility.

“They have an athletes’ commission ... but nobody knows who they are. It is part of the Olympic Committee that they need to have this but nobody recognises them and we have been talking to the politicians and the federations that of course it should be us [who represent athletes] because we are the ones who have the members and out there to talk to the players.”

(TU 6)

## Conclusion

The interview data illuminates how unions operate in a complex field that is saturated with the dynamics of power and in which they maintain multiple and diverse relationships – with athletes, governing bodies, leagues, clubs, commercial partners, as well as with athletes’ commissions in some cases.

As noted above, pragmatism wins out over ideology for the most part, with unions adjusting their strategies depending on the circumstances they encounter. Learning from other unions was widely welcomed and unions might usefully build upon this knowledge sharing.

The academic literature on sports trade unions is quite thin and is in need of an analysis of power relations to help theorise the field and gain greater purchase on the dynamics that have been described above, which almost certainly offer relatively few insights into the complexity of the work that unions undertake.



# Chapter 5: Presence and composition of athletes' commissions in Olympic sports

By Christian Le Coq, Play the Game

This chapter examines the presence of athletes' commissions in 37 international sports governing bodies and how these commissions are organised. Athletes' commissions (or athletes' committees) are advisory bodies within sports federations and Olympic committees, which are established to represent athletes' voices and interests in decision-making. The analysis is based on an assessment of the 35 international Olympic sports federations as well as the International Olympic Committee (IOC) and the World Anti-Doping Agency (WADA). Overall, athletes' commissions are present in 36 out of the 37 international organisations – with FIFA being the only exception – but significant differences exist in how these commissions are constructed.

## Method

The 35 selected federations constitute the Olympic summer and winter sports and are therefore central actors when assessing athlete representation. The IOC is included due to its role as authority in the Olympic movement while WADA is included because of its particular construction as a partnership between IOC and national public authorities.

In February 2023, desk research was conducted from official governing documents of each of the 37 organisations<sup>57</sup>. This included documentation on constitutions, statutes, and terms of reference for athletes' commissions. Where such documents were not available via their public websites, news articles from the organisations have been investigated. For a few organisations, it has not been possible to collect a satisfactory amount of data to be included in parts of the analysis. This has been noted where applicable.

## Research questions

The international sports governing bodies have been categorised based on eight questions:

1. Does the international organisation have an athletes' commission?
2. Are members of the athletes' commission elected by athletes?
3. Are members of the athletes' commission elected by the members of the executive committee or other bodies?
4. Are members of the athletes' commission appointed by the organisation?
5. Does the athletes' commission have member(s) on the organisation's board of directors?
6. Does the athletes' commission representative have a voting right on the organisation's board of directors?
7. Does the athletes' commission have member(s) in the organisation's executive committee?
8. Does the athletes' commission representative have a voting right in the organisation's executive committee?

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<sup>57</sup> This chapter is based on research conducted in 2019 by Jens Alm and Maria Suurballe, Play the Game.

Table 39 provides an overview of how the 37 international organisations score for the eight different questions.

**Table 39: Overview of athletes' commissions (ACs) in 37 international sports governing bodies**

	Pre- sence of AC	AC members elected by athletes	AC members elected by org.	AC members appointed by org.	AC member(s) repre- sented in BoD	AC member(s) has voting right in BoD	AC member(s) repre- sented in ExCo	AC member(s) has voting right in ExCo
IOC	Green	Green	Red	Green	Yellow	Yellow	No ExCo	No ExCo
BWF	Green	Green	Red	Red	Green	Green	Green	Green
FEI	Green	Green	Red	Green	Green	Green	Green	Green
FIBA	Green	Red	Red	Green	Green	Green	Red	Red
FIE	Green	Green	Red	Green	No BoD	No BoD	Green	Green
FIFA	Red	Yellow	Yellow	Yellow	Red	Red	Red	Red
FIG	Green	Green	Red	Red	Green	Green	Green	Green
FIH	Green	Green	Red	Green	Green	Green	No ExCo	No ExCo
FIL	Green	Green	Red	Red	Green	Green	Red	Red
FINA	Green	Green	Red	Green	Green	Green	Green	Green
FIS	Green	Green	Red	Red	Green	Green	Green	Green
FIVB	Green	Green	Red	Green	Yellow	Yellow	Red	Red
IBA	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo
IBSF	Green	Green	Red	Red	Green	Green	Red	Red
IBU	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo
ICF	Green	Green	Green	Green	Green	Green	Green	Green
IGF	Green	Green	Red	Green	Red	Red	Red	Red
IHF	Green	Green	Red	Red	Green	Green	Red	Red
IIHF	Green	Red	Red	Green	Red	Red	Red	Red
IJF	Green	Green	Red	Green	No BoD	No BoD	Green	Green
ISSF	Green	Green	Red	Green	Green	Green	Green	Green
ISU	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo
ITF	Green	Yellow	Yellow	Yellow	Green	Green	No ExCo	No ExCo
ITTF	Green	Green	Red	Red	Green	Green	Green	Green
IWF	Green	Yellow	Yellow	Yellow	Green	Green	No ExCo	No ExCo
UCI	Green	Green	Red	Green	Green	Green	Red	Red
UIPM	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo
UWW	Green	Green	Red	Green	Green	Green	Red	Red
WADA	Green	Green	Red	Green	Red	Red	Green	Green
WCF	Green	Green	Red	Green	Green	Red	No ExCo	No ExCo
World Archery	Green	Green	Red	Green	Green	Green	Red	Red
World Athletics	Green	Green	Red	Green	Green	Green	Red	Red
World Rowing	Green	Green	Red	Green	Green	Green	Green	Green
World Rugby	Green	Green	Red	Green	Green	Green	No ExCo	No ExCo
World Sailing	Green	Green	Red	Green	Green	Green	Green	Green
World Taekwondo	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo
World Triathlon	Green	Green	Red	Red	Green	Green	No ExCo	No ExCo

Yes	No	Other	Not relevant
Green	Red	Yellow	

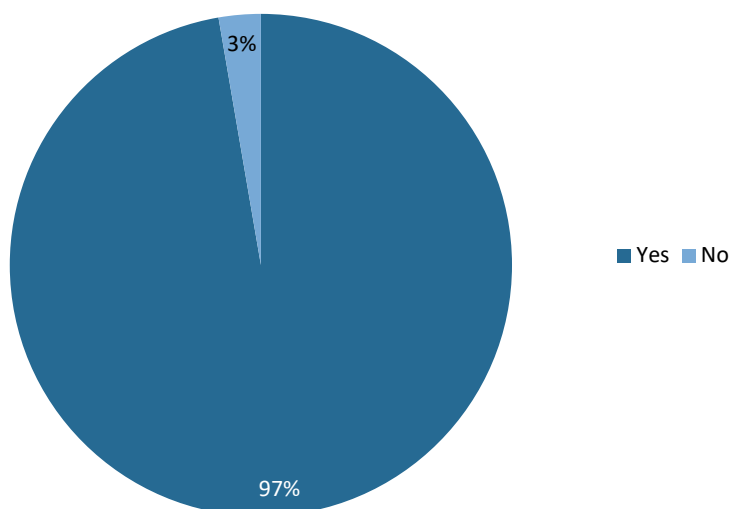
The analysis assesses three aspects of formal athlete representation: First, the presence of athletes' commissions; second, how members of the athletes' commissions are selected; and third, the presence of athletes' commission representatives in the organisations' decision-making bodies.

## Findings: Trends in athlete representation in international sports organisations

### Presence of athletes' commissions in international sports governing bodies

As a starting point for the analysis, the presence of athletes' commissions in international sports governing bodies has been assessed. The 37 organisations have been categorised based on whether an athletes' commission is part of their organisational structure. Figure 1 provides an overview of the results.

**Figure 1: Presence of athletes' commissions in international sports governing bodies**



N = 37 organisations

Figure 1 shows that athletes' commissions are present in 36 out of 37 international sports governing bodies (97%) with FIFA being the only exception. FIFA signed a six-year cooperation agreement with the international football players' union, FIFPRO, in 2017 to "strengthen relationships between the two organisations and improve the governance of professional football worldwide"<sup>58</sup>. The agreement grants FIFPRO seats in FIFA's Football Stakeholders Committee and recognises FIFPRO as an official player's union.

In conclusion, almost all of the assessed international organisations have adopted formal structures of athlete representation at an organisational level. Nevertheless, such formal structures are not in themselves a guarantee for athletes to be able to assert influence in

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<sup>58</sup> FIFA. (2017). *FIFA and FIFPro sign landmark agreement and announce measures to enhance professional football*, 6 November 2017. Available from <https://www.fifa.com/about-fifa/organisation/media-releases/fifa-and-fifpro-sign-landmark-agreement-and-announce-measures-to-enhance-2918747>

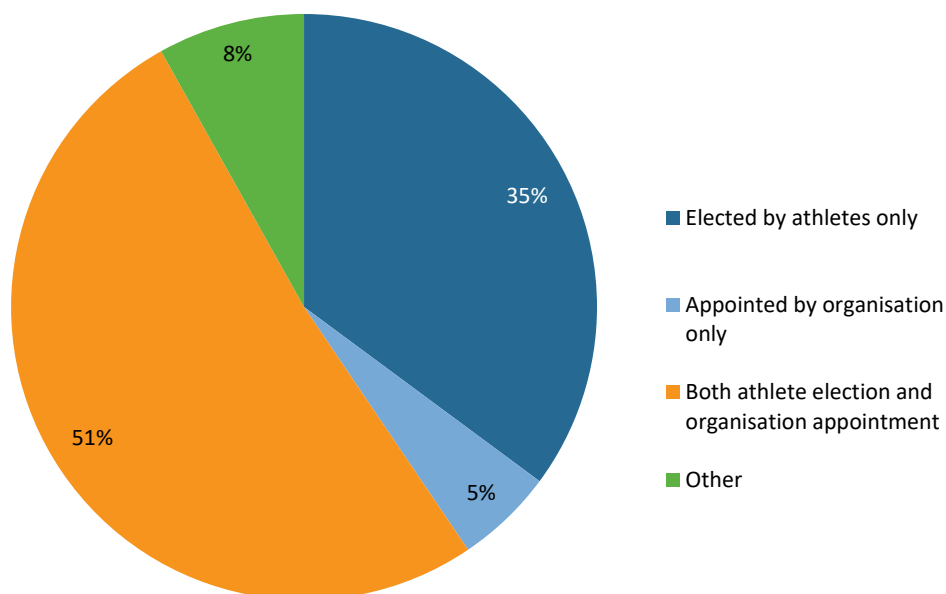


their respective organisations. Factors such as the selection process(es) of athlete representatives and their access to decision-making processes, in turn, affect the influence that athletes are able to exert. The following sections therefore consider how these formal structures are constructed in terms of the composition of the athletes' commission and their centrality to decision-making processes.

### Selection of members to athletes' commission

The second trend focuses on the selection of members to the athletes' commission in each sports governing body. Data has been collected on whether athletes' commission members are elected by athletes, appointed by the organisation, or selected through both athlete elections and appointment by the organisation. The results are shown in figure 2 below.

**Figure 2: Selection of members to athletes' commission**



N = 37 organisations

### Election by athletes

In 13 of the 37 organisations (35%) the members of the athletes' commissions are elected solely by athletes. Typically, elections are held in conjunction with a larger event where athletes are already gathered, e.g. the FIS World Ski Championship for skiing athletes or the Luge World Championship for luge athletes.

Looking into the election terms for the athletes' commissions, a reoccurring observation is the involvement of national and international sports governing bodies in the election process. In several international federations, the respective national federations are responsible for nominating athletes as candidates. These nominations are then approved by the international federations to ensure that candidates fulfil election criteria, e.g. of being active athletes. While such mechanisms may be explained by a need to guarantee the credibility of

the elections, they also imply a great risk of undue influence in the prequalification of candidates.

Such mechanisms lead to unanswered questions. On what basis do national federations nominate or deselect the athlete candidate(s)? Are structures in place to ensure that nominated athletes are not prevented from standing for elections? Are athletes involved in the nomination process? Which structures or entities carry out such processes, and are their deliberations transparently reported?

### **Appointment by the organisation's decision-making bodies**

In two of the 37 organisations (5%), the members of the athletes' commission are solely appointed by decision-makers in the organisation, these two being FIBA (basketball) and IIHF (ice hockey). In both federations, the board of directors appoints members to the athletes' commission based on a recommended list of candidates. In FIBA, this list is prepared by the secretary general, and in IIHF the board initially appoints both the athletes' commissions' chair and secretary general. In turn, the IIHF secretary general forwards a list of member candidates to the board. No mechanism is therefore in place for athletes to influence directly how they are represented in both the FIBA and the IIHF.

### **Combination of athlete election and organisation appointment**

In 19 of the 37 organisations (51%), the members of the athletes' commissions are selected through both athlete elections and appointment by the sports governing bodies' decision-makers. A majority of the assessed organisations therefore have structures that open up for organisations to influence the composition of their body for athlete representation. The organisations' appointments can be grouped into two forms: appointment of commission members and appointment of the commission chair. These are elaborated below.

#### *Appointment of commission members*

Where sports governing bodies have a right to appoint members, this enables external influence to be exercised over the composition of the athletes' commissions. Most organisations do not state a reason for these structures, while some state that such appointments allow for ensuring balance in gender and regional representation or that different sports disciplines within the organisation are represented. Once again, such mechanisms may be justified in principle, but questions remain if they are carried out in a way that influences the elections in an undue manner.

In eight sports governing bodies (22%), athletes elect around half of the athletes' commissions' members, while the remaining members are appointed by an executive body or indeed the organisation's president.

In nine sports governing bodies (24%), a larger majority of members are elected by athletes, while the executive body appoints a minority of members.

IIHF (handball) is a special case as the athletes' commission member with the most votes becomes chair of the commission, but this is subject to the IHF congress' confirmation. Thus,



while the athletes' commission is constituted by members elected by athletes, the federation has formal power to influence the commission's choice of its chair.

#### *Appointment of athletes' commission chair*

The right to appoint the chair of the athletes' commission can likewise become a means to influencing the athletes' commissions. The chair leads the meetings of the athletes' commission and often represents the athletes' commission in the organisation's other central bodies. Whether the chair is appointed by athletes' commission members or by the organisation's executive body therefore impacts the influence of the athletes' commission itself.

In ten sports governing bodies (27%), the chair of the athletes' commission is elected by the members of the athletes' commission.

In eight sports governing bodies (22%), the chair is appointed by the organisation's president or an executive body. There is no uniformity of process. The organisations adopt different ways of appointing a chair: In three organisations, an executive body approves the athletes' commission's suggested candidate; in three organisations, an executive body independently appoints a chair from among the athletes' commission members; in two organisations, an executive body appoints a chair who is not a member of the athletes' commission.

#### **FIFA, IWF and ITF are placed in a separate category, *Other*, for various reasons**

FIFA (football) has not been included as the federation has a formalised cooperation with an athletes' labour union, FIFPro, rather than an athletes' commission. IWF (weightlifting) has no formalised procedure for selecting members to its athletes' commission. Instead, IWF's executive board decides on the electoral process for each election. Finally, ITF (tennis) has not been categorised, as the organisation does not state its criteria for selection of members to its athletes' commission.

#### **Presence of athletes in decision-making bodies**

The third step of the analysis examines how the athletes' commissions are positioned in the decision-making structures of the 37 international organisations. Here, two organisational bodies are of special interest, namely the organisations' board of directors and executive committee. These two bodies consist of a smaller group of executives that meet regularly between general assemblies, and each has a decisive role in the organisation's decision-making: the board of directors steers the organisation and addresses more strategic issues, and the executive committee takes care of day-to-day management and focuses more on operational issues. Accordingly, presence in these central decision-making bodies can become a means to organisational influence for an athletes' commission.

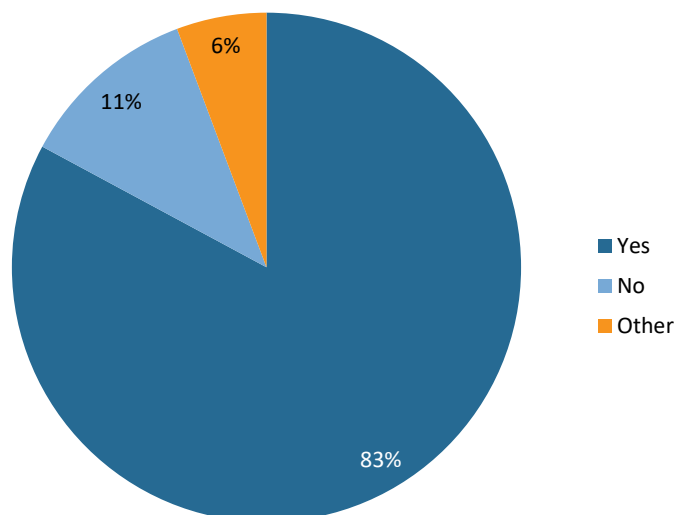
This section therefore assesses the presence of athletes' commission representatives in the 37 organisations' boards of directors and executive committees. However, the organisations are not entirely similar in their governance structures as some organisations have both types of bodies, while others have only one of the two bodies. Overall, 35 of the 37 organisations have a board of directors, while 25 of the 37 organisations have an executive committee.

The analysis is therefore separated into two sub-analyses, one assessing the presence of athletes' commissions in the 35 organisations with a board of directors and one assessing the presence in the 25 organisations with an executive committee<sup>59</sup>.

### Athlete representation in boards of directors

Figure 3 shows the presence of athletes' commissions in the 35 sports governing bodies' boards of directors.

**Figure 3: Athletes' commission representation in boards of directors**



N = 35 organisations

Athletes' commissions have a seat in 29 out of the 35 sports governing bodies' boards of directors (83%). In 28 of these organisations, the athlete representative(s) has a voting right. In WCF (curling) the chair of the athletes' commission may attend the board meetings but does not have the power to vote.

In 4 of the 37 sports governing bodies (11%), athletes' commissions are not represented in the organisations' boards of directors. The four organisations are FIFA (football), IGF (golf), IIHF (ice hockey), and WADA (anti-doping).

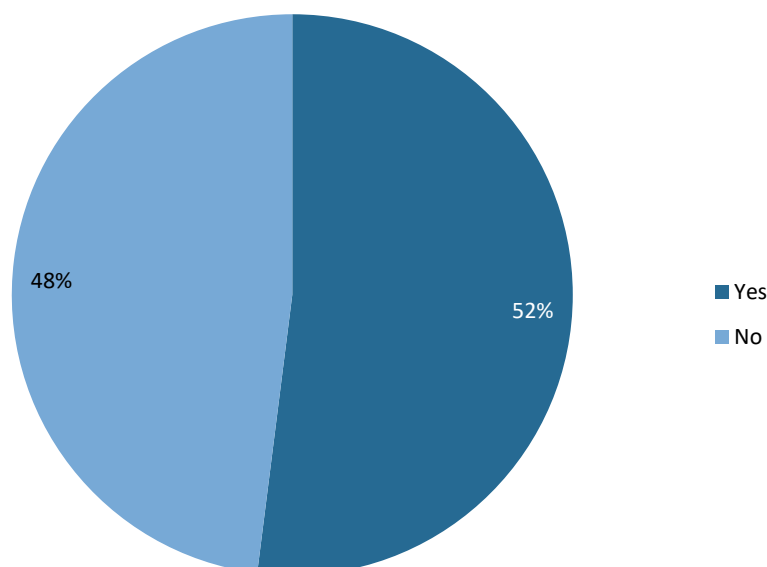
The IOC and FIVB (volleyball) have not been categorised (6%) due to special statutory arrangements. IOC's athletes' commission chair can be elected as a member of the IOC's executive board, but the chair competes on equal terms with all other IOC candidates for a position. Athlete representation in IOC's executive board is therefore not guaranteed but depends on election outcomes. In FIVB, the athletes' commission is not an ex officio member, but the president *may* appoint four additional members, out of which at least one must be an athlete from the athletes' commission. Athlete representation in FIVB therefore depends on the president's decision.

<sup>59</sup> The full list of organisations and each organisation's specific structure is stated in Table 39 above.

## Athlete representation in executive committees

Figure 4 shows the presence of athletes' commissions in the sports governing bodies' boards of directors.

**Figure 4: Athletes' commission representation in executive committees**



N = 25 organisations

Athletes' commissions have a seat in 13 out of the 25 sports governing bodies' executive committees (52%). The athletes' commissions' representatives have voting rights in all 13 executive committees.

In 12 of the 25 sports governing bodies (48%), athletes' commissions are not represented in the organisation's executive committee.

When comparing the two sub-analyses, the overview points to much stronger athlete representation in the international organisations' boards of directors than in their executive committees. The assessed athletes' commissions therefore appear to be more present in strategic parts of decision-making than in operational and day-to-day decision-making.

## Implications

This chapter has provided an overview of the presence of athletes' commissions in 35 international federations as well as the IOC and WADA. The data shows that athletes' commissions are present in the vast majority of the organisations, that organisations adopt different ways of selecting members to their athletes' commissions with athletes not always at the centre stage, and that a notable difference exists in how athletes' commissions are represented across different types of decision-making bodies.

While the chapter illustrates that structures are in place for athletes to participate in the governance of many sports governing bodies, it is not given that such structures lead to actual athlete influence. Further research could therefore address the actual impact of these

athletes' commissions on decision-making processes in their respective sports governing bodies, for instance by a more qualitative, case-driven approach that singles out a few international organisations.





# Chapter 6: Beyond the rules on paper – Informal practices of athlete representation in federations

By Anna Semenova, EU Athletes

## Background

Rules and regulations are essential for securing proper athlete representation. But in daily policymaking, informal practices can also have great influence on how effectively the formal regulations are implemented.

To find out how informal ways of influence work in various international sports federations, two rounds of interviews were held with 1) members of athletes' commissions, and 2) official representatives of international federations. Afterwards, the responses from the two groups were cross-referenced to ensure the validity of the data collected.

## Methodology

### Interviews with members of athletes' commissions

In total, six semi-structured interviews with members of athletes' commissions within five international federations were conducted. Two of the federations govern multiple disciplines, and the other three are in charge of the governance of one sport. One governs a team sport and the four others govern individual sports. Interviews were conducted via Zoom and lasted between 38 minutes and 1 hour.

This round of interviews was fully transcribed, but only the most relevant quotes are mentioned throughout the chapter. The interviews included questions about the election and appointment procedures in the athletes' commissions, the interaction of the athletes' commissions with the international federations, athletes' commissions' budgeting, the independence of the athletes' commissions, the engagement of athletes and deliberation with them, interaction with other athlete representative bodies, criteria of athletes' commissions' effectiveness, and the personal experiences of the interviewees. It was decided to conduct semi-structured interviews because they involved a series of open-ended questions on the topic and gave space to discuss pre-defined topics in more detail as well as encouraged interviewees to share insights.

To ensure consistency in reporting, participants of this interview round are mentioned in the report as AC 1, AC 2, ..., AC 6.

### Interviews with representatives of international federations

The second round of interviews was organised to survey informal practices undertaken by the sports organisations with regard to involving athletes in decision-making processes. Five interviews with official representatives of international federations were conducted. Four of them were held via Zoom and one participant sent a written response to the questions. The interviews lasted from 30 to 44 minutes.

This round of interviews was not fully transcribed. Only selective quotes were retrieved from the interviews for the purpose of this report. The questions asked were similar to the ones in the rounds of interviews with members of athletes' commissions and player association officials.

Official representatives of international federations who were interviewed are mentioned in the report as IF 1, IF 2, ..., IF 4.

## Findings: The informal practices of policymaking in federations

### What qualities are crucial for a good athletes' commission member?

All the interviewed representatives of athletes' commissions agreed that being fluent in both written and spoken English was one of the main skills of a good athletes' commission member. English is the language most widely used among sports organisations, but knowledge of French or German is beneficial because these are the official languages of many sports organisations.

*"It is a barrier to the nomination and to applications from that region because they do not have the confidence to speak in English well and cannot take part in the conversations properly."*

(IF 2)

The other commonly desired characteristic was having knowledge of sports governance in general and having an interest in sport as a whole.

Being an athletes' commission member is time-consuming even though the positions in athletes' commissions are voluntary. A good athletes' commission member should be able to solve problems and come up with realistic proposals rather than share complaints that do not lead to solutions. Similarly, it is important to be diplomatic because the commission has to deal with different stakeholders who may have diverse or even confronting interests.

*"You have to be problem-solving because you have to have ideas and put them down in writing and try to bring them forward. So, that is the main goal and you have to be interested in sport generally and with an open mind because there are a lot of parties you have to deal with. Not just athletes but the more you go forward the more you understand you have to talk with coaches, politicians and so on."*

(AC 1)

Both members of athletes' commissions and official representatives of international federations agreed that having both active and recently retired athletes in membership of the athletes' commission was beneficial.

Active athletes in the commission may serve as a direct link between the athletes and the athletes' commission. They can talk to fellow athletes during the competitions and collect their opinion, and they are present in the competitions and are first to report if athletes are not treated the way they should be. In turn, recently retired athletes are not part of the



sporting arena anymore, therefore, it can be more difficult for them to stay in touch with active athletes, travel to competitions and be updated about all the current issues that athletes experience. Their advantage compared to the active athletes is time – they usually have more time to participate in the meetings and do ‘paperwork’.

“It was easier for me when I was still an athlete because I was basically there, and I could see what is going on and then it is easier to see the problems and to find solutions.”

(AC 2)

“We do consider it important even if they are no longer competing, they have been recent competing athletes. I think it is just so much easier to relate to current athletes, facing the challenges that they have to face. [...] The sport has benefited from the fact that some of them have now retired and have more time to give to the role.”

(IF 2)

### Role of athletes’ commissions in the decision-making within international sports federations

The interviewees were asked whether they perceived the athletes’ commissions as independent from the international federation. Notably, this was one of the most sensitive questions for both athlete representatives and federation officials. It is also worth noticing that all the participants had slightly different understandings of the concept of independence.

“I do not know how to answer that. I mean, of course, there is a lot of dependency because you are part of the federation. It is not like you are a separate part of the federation. It is you within the organisation when you are an athlete representative. It is not athletes’ commission against [international federation]. [...] You can vote however you feel or your conscience dictates you. But on the other hand, you know, money comes from [international federation] and so we cannot plan any meetings without having, you know, the costs covered from [international federation], so it is difficult to answer.”

(AC 3)

Athlete representation could be effective when all parties are mutually interested in creating a system in which the voices of the athletes are influential in decision-making, and work collaboratively towards achieving this goal. The international federations should ensure that athletes’ voices are listened to, and their opinions are considered.

“It is really important that we remember that if we [athletes] actually stand together and stand up for what is important. That we can actually make a huge difference, but sometimes it just does not feel like it because it is those people that are in the positions of power that can make that decision.”

(AC 5)

“They [athletes] do not have elaborative decision-making power, nobody has really, but they have a chance to be heard and take part in the development of what we are doing, getting an understanding of what we are doing.”

(IF 4)



In line with the principles of participatory democracy, to improve the inclusiveness of athletes in decision-making athletes should be provided with a seat(s) in the highest decision-making structures of the federations. Hence, the athletes' voices should not be consultative but ones that can make a real impact due to the transfer of power.

*"To be effective, to have an effective and truly meaningful representation you have to allow athletes' representatives into the highest decision-making, without that it is just a paper thing."*

(AC 3)

*"I am yet to have experienced a recommendation without the voices of the athletes being included as a significant part of the discussions in Council. How do the athletes feel about this? It is always there."*

(IF 1)

Everyone who participated in the interviews agreed that the involvement of athletes in the governance of federations has increased in the last five to ten years.

*"The athletes became much more centric in the system. Now they have the ability to play a major role, but it is so dependent on the people [...] If they [athletes] do not have the right people to represent them, the impact is going to be reduced because they are not the only stakeholders".*

(IF 1)

Most interview participants agreed that they also saw an improvement in the participation and interest of athletes to be a part of the governance of the federation. Nevertheless, it was difficult for them to state the exact reason(s) behind this positive development. It could be because the topic got more media coverage in recent years as well as the athletes now being able to express their opinions on personal social media channels.

*"It is easier now for athletes to express themselves in the media in a public way. In the past, they had to rely on media coverage or write letters. Now it is easier to get a sense of what athletes are saying or feeling because they express themselves in public, on social media. And for that reason, the athlete's voice is stronger than it used to be. And that is quite right."*

(IF 2)

Despite the recent positive changes towards better participation of athletes in decision-making, there are still areas for improvement. Interview participants from athletes' commissions shared that there could be less evident ways to restrict athletes' involvement. For instance, the agenda could be sent right before the executive body meeting so that athletes do not have enough time for thoughtful review and consultation with other athletes. Having access to the information in advance gives time for athletes' commission members to analyse it carefully and take informed actions instead of making fast decisions without a chance to consult with other athletes.

An alternative idea for improving the representation proposed by one of the interview participants from the athletes' commissions was to include athletes in working groups and sub-committees in the federations to allow athletes' commission members to "try to find the solution at the core, not at the end" (AC 2). This proposal goes in line with the ideas of deliberative democracy due to the better exchange of ideas and perspectives that promotes reflection and better-informed decision-making.

Although these two suggestions might seem to contradict each other, on the contrary, they may also serve as complementary to each other. In other words, the involvement of athletes should be ensured both top-down and bottom-up.

In the future, it would be beneficial to introduce a system of KPIs to measure the contribution of athletes to decision-making because, according to the interview participants, at the moment there is no such systematic measurement at any federation analysed in two rounds of interviews.

## Elections

Most of the federations reported that all members of the athletes' commissions were elected by their peer athletes, and only one federation analysed had half of the members appointed by the federation. The common justification for the appointment of the candidates by the federation is that it is a necessary measure to ensure the equal representation of disciplines, geographical regions, and genders.<sup>60</sup>

In general, all the study participants from athletes' commissions stated that they were overall satisfied with how the election procedures of the athletes' commission were organised in their federation. For a more complex analysis, three elements of the election procedures were considered: the length of terms, the limit of terms, and the format of voting.

Some federations had a term of two years for the members of the athletes' commissions, others had a term of four years. Some participants noted that a two-year term is a short period of time to get to know the role, others mentioned that the terms of athletes' commission members should be the same as other terms in the federation, for example, the same as the terms of the members of the executive board. Otherwise, there is an inconsistency in the duration of terms that could also be created to prevent the athletes from making a real influence on decisions.

The second element is the presence or absence of a limit on the maximum number of terms that a member can serve in the commission. The limit of terms should exist to give equal opportunities for participation to everyone and ensure the turnover of members. Only in two federations, there was a limit of two terms, whereas the others did not have any limit on the number of terms. The specificity of the athletes' commissions compared to the other commissions within the federations is that only active or recently retired athletes are

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<sup>60</sup> Donnelly, P. (2015). What if the players controlled the game? Dealing with the consequences of the crisis of governance in sports. *European Journal for Sport and Society*, 12(1), pp. 11–30.

allowed to become members of athletes' commissions. However, the period of eligibility for elections to athletes' commissions after the sporting career retirement varies across federations.

The third element of the election procedures is the format of organising the elections – it can be online, offline or hybrid. Offline elections are usually organised during the main competitions such as world championships. Nevertheless, this format does not always work perfectly.

One of the analysed federations organised athletes' commission elections in a hybrid format: offline elections took place during a world championship, whereas athletes who did not compete there were given the possibility to vote online. Following the principles of representative democracy, all represented athletes were given an opportunity to take part in the elections of those that represent them in the federation.

*“We will have the entire election online so people can vote from their phones. [...] And all the athletes can vote just by scanning a QR code and then selecting their choice. That is going to be easier and hopefully get more participation in the election.”*

(AC 6)

## Funding

Similarly to the issue of the independence of athletes' commissions, funding of the athletes' commissions is another topic that provoked extensive discussions with the interviewees. Members of athletes' commissions were asked whether their athletes' commission received any funding from the federation and if it was enough.

For athletes' commissions that participated in the study, the international federation was the only financial sponsor of the commission. Therefore, the topic of funding is closely correlated with the athletes' commissions' independence from the federations. If the international federations are the only financial sponsors of the athletes' commissions, the athletes' commissions become dependent on the federations' budgets and their strategic plans to allocate the budgets.

None of the official representatives of international federations, however, believed there were any problems related to the budgeting of the athletes' commissions.

*“I have never seen that the budget was a big barrier for the members as such.”*

(IF 4)

The funding needed for an athletes' commission's operations may vary a lot depending on the number and costs of projects, the format of meetings and other expenses. For instance, in one of the federations analysed, the athletes' commission always held online meetings, whereas another commission found it more effective to meet in person. Hence, the expenses of the latter are higher, for instance, AC 5 shared that the lowest cost of a meeting was 8-9,000 euro. The costs also depended on the number of commission members and

where they travel from. Although it is possible to run an athletes' commission with a minimum budget, the effectiveness of such a commission could be questionable.

## Voluntarism

The topic of athletes' commission funding correlates with the discussion on the voluntary nature of the position of athletes' commission members. The views on whether the positions of athletes' commission members should be voluntary or not vary.

Many athletes' commission members, especially in smaller sports, combine their sporting careers with part- or full-time jobs and volunteer positions in the commissions. Dealing with commission-related matters is not always a priority for them because they need to earn money, and the role of commission member cannot help them with that. Therefore, commission members are mainly driven by their personal interest to make positive changes in their sport.

*“Yes, money can always become a problem due to the fact that if you start to pay, it turns to business. [...] It is not the people's movement anymore [...] it changes the logic of your participation.”*

(AC 4)

If the position of athletes' commission member becomes a paid job, more obligations may arise. The financial dependence on the federation also becomes bigger. At the same time, the interest to serve on the commission might increase if members are offered some (even minimal) income.

*“That is completely voluntary. There is not any financial support. So, therefore, I suggested that we propose it [making the positions in athletes' commission paid], it is not written yet, but we propose it. That would be, I think, more attractive. And the role itself would probably be more respected.”*

(AC 1)

## Communication between athletes' commissions and the represented athletes

Athletes' commissions are representing the voice of athletes within a particular federation. It is already a difficult task to collect the opinions of all the athletes, and it is even more complicated in federations governing multiple disciplines.

*“When discussing an issue extremely specific to [a certain discipline] there could be just one member who has a deep understand and knowledge of [this discipline].”*

(IF 1)

Then athletes' commission members must choose one of the alternative proposals, but it is nearly impossible to meet the demands of all athletes. The easiest way might be to choose the solution that suits the majority, but then it is necessary to guarantee that the rights of minorities are not threatened and that the proposed decision does not harm them. This is called the 'rule of the majority'. Whatever the majority's preference is, the core interests of

both minorities and majorities must be maintained in every democratic system with respect to human rights principles.<sup>61</sup>

“If the question is A [proposed decision A] or B [proposed decision B] and you [athletes’ commission member] can see that A really helps only one certain part of the athletes and B helps everyone even though maybe it is not as good, you have to go with B.”

(AC 5)

Moreover, the members of athletes’ commissions are in most cases top athletes and their opinions are likely to be very different from athletes in lower positions. This is problematic for two reasons: 1) top athletes would not have an interest in changing the rules of the sport because they succeed in the current situation, and 2) top athletes have even less time to contribute to their athletes’ commission. Despite the challenges, a good athletes’ commission member should strive to represent the collective interests of athletes.

Collecting athletes’ opinions can be done through several methods like social media, email, questionnaires, in-person communication during competitions, organised forums, workshops, or round tables. The majority of athletes’ commissions do not use only one method but combine various channels and formats of communication for better engagement with the athletes.

Nowadays, in-person methods of communication with the athletes have become less popular. Nevertheless, one-on-one communication during competitions remains one of the most effective ways to talk less formally, get insights and discuss the issues that bother active athletes.

“You probably do not reach out to so many athletes but then you can sort of really talk in-depth and you can engage with the athletes. And if you have a booth or some activity which you engage everyone with, it is really good.”

(AC 3)

Formal forms of communicating with athletes used by the studied athletes’ commissions include surveys, emails, workshops, webinars, campaigns, ambassador programmes, and round tables. The latter, for example, was described by AC 4 as a good way to organise discussions over the upcoming changes in the rules of the sport.

More informal communication channels used by athletes’ commissions are social media (especially Facebook and Instagram), WhatsApp and personal communication as mentioned above.

The COVID-19 pandemic made an impact on the ways athletes communicate with the commission. Everyone was forced to switch to digital channels while in-person communication was not possible. After restrictions were lifted, some athletes’ commissions decided to keep organising digital meetings instead of gathering in person, but there are others that started

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<sup>61</sup> Council of Europe. *Democracy*. Available at <https://www.coe.int/en/web/compass/democracy>

having in-person meetings as soon as possible because they found these meetings more effective.

### Communication among federation officials and athletes' commissions

During the interviews, all official representatives mentioned a common challenge in regard to communication with athletes: the availability of athletes, or in other words, the lack of time. Another common concern shared was that athletes were naturally focused on their performance and less on other things.

*"Availability of athletes is really the biggest issue, and it reduces the scope of points you can discuss. They are never available; it is difficult to consult them that much."*

(IF 3)

*"A lot of athletes are extremely focused on what they are doing, and their interest is not actually sitting behind the desk and talking about the regulations."*

(IF 4)

Three of the federations analysed have staff members who are assigned to assist the athletes' commissions. In case the athletes' commission members want to have some information, they can ask staff members to help them to find the necessary information. This saves much-needed time resources for athletes' commission members. Moreover, it helps to build consistent relationships between the federation and the athletes.

*"Having just a few people who really know both sides of things and are trusted by both sides, athletes and the federation, that just naturally makes things improve. But I think it is more time and relationship more than anything else."*

(IF 3)

Examples of issues commonly raised by the athletes' commission members in communication with their federations include financial circumstances for athletes, resources for athletes to be provided by the federation, dual career, event operations, integrity of sport (e.g. doping, safeguarding), inclusion of transgender athletes, and medical issues.

For federations, the COVID-19 pandemic proved that in-person meetings during competitions allow better engagement with athletes regardless of formal or informal setting. Whistleblowing or sharing some concerns is not always encouraged in certain cultures, therefore, getting insights from the athletes became more challenging during the pandemic. The advantage of face-to-face meetings is the more comfortable environment for talking about subjects that cannot be discussed through other means of communication.

Formal methods of communication with athletes' commissions include email, document-sharing through platforms, round tables, regular meetings within the federation, and surveys.

Outside the formal structures, there are WhatsApp chats which could be used both by the commission and the wider group of athletes. Similar to athletes' commissions, federations use social media, in particular Instagram and Facebook which are widely used by athletes.

### Relationships with athlete representative bodies

Only the interviewees from athletes' commissions were asked about any interactions between athlete representative bodies. For the purposes of this research, it was essential to know whether there is any collaboration among different kinds of athlete representative bodies.

All participants except one mentioned that they had taken part in forums organised by the IOC on the topic of athlete representation and were happy about this experience. Interviewees noted that sharing the practices gave a different perspective on how the problem could be approached and provided new ideas on how things might be changed. Exchange of practices with other representatives from the federations could also help to understand what was already organised well and what aspects could be improved further.

*"It is really good because it opens your eyes. You can see how different federations work and how they solve problems. This was really beneficial for me."*

(AC 2)

However, most participants stated that they have no interaction with athlete and player unions in their sport and organisations such as EU Athletes or World Players Association. EU Athletes is a European multi-sport federation of athlete and player associations in a broad range of different sports.<sup>62</sup> World Players Association is an international federation of player associations with more than 100 members in over 60 countries.<sup>63</sup>

## Conclusion

Two rounds of interviews with members of athletes' commissions and official representatives from international federations helped to get a better understanding of informal practices of organising athlete representation within sports federations. The collected data presents two perspectives on how the rules are implemented in practice and highlights the aspects in which athletes' commissions and federations may have a different perspective on the situation, and may or may not recognise the problem.

To improve the current environment, the exchange of good practices should be facilitated among athletes' commissions but also with athlete and player unions.

*Anna Semenova is a project and policy officer at EU Athletes. Parts of her research were carried out for her master's thesis under the MAiSi programme at KU Leuven.*

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<sup>62</sup> See more at <https://euathletes.org>

<sup>63</sup> UNI Global Union. *World Players*. Available at <https://uniglobalunion.org/about/sectors/world-players/>







## Chapter 7: Debate on athlete rights: “An industrial scale of abuse”

During the international conference Play the Game 2022 in June 2022 in Odense, Denmark, SAPIS and another ongoing Erasmus+ project related to athlete rights, EMPLOYS<sup>64</sup>, gathered a group of athlete representatives and other stakeholders to discuss their preliminary results. Chiel Warners from the Dutch NOC\*NSF and Andy Harvey from Swansea University represented SAPIS, and EMPLOYS was presented by Maximillian Seltmann and Lorenz Fiege from the German Sport University Cologne.



Chiel Warners from the Dutch NOC\*NSF presented the preliminary results of the SAPIS project in a session at Play the Game 2022 in Odense, Denmark. Photo: Thomas Søndergaard/Play the Game.

Here are some quotes from the debate which we have anonymised for the occasion.

“Athletes do not need to legitimise themselves to shake hands with the mafia or people that are corrupt. What comes out of the two presentations is how low the expectations are among athletes. The federations should clean up their act to earn the privilege of athletes competing for them on their stage.”

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<sup>64</sup> Read more about the EMPLOYS project in chapter 14: “Good governance in the employment relations of athletes in Olympic sports in Europe: Targets, approaches and major findings of the EMPLOYS-project” .

“If we remove the word athlete and present the job description to a normal person – no one would be interested with no rights, no compensation, no saying. It’s all no’s. It’s a waste of time to discuss having an athletes’ commission and how it should look, because as soon as you are attached to a federation you are caught – they take control.”

“Every one of the coaches involved in the abuse cases in the UK is still drawing a pension from their time in sport – the athletes who have been abused received nothing. The coaches get their pension paid by the governing body subsequent to them being found guilty in the abuse cases.”



Maximilian Seltmann from the German Sport University Cologne presented the preliminary results of the EMPLOYS project in a session at Play the Game 2022 in Odense, Denmark. Photo: Thomas Søndergaard/Play the Game.

“There is a paradox in the difference between employer and employment. The employer is the state, but it is the IOC and NOC who gives the work. When athletes are approached, they are afraid firstly if they are going to keep the job if they retaliate. There was an example last year of a ski jumper who opposed the training camp leading up to an event – he was excluded from the team for four months even though he was a top athlete. He had to publicly apologise.”

“Let’s get to the root of the problem: The power imbalance. You have children in sport, and you have elite athletes and different levels of vulnerability, but all deserve equal protection.”

“In Canada, we are going through a process like in the US gymnastics involving over 1,000 athletes and we have read any one of the testimonies – the government hasn’t done anything, sport hasn’t done anything and if it was in any other part of society there would be an uproar.”

“It’s an industrial scale of abuse happening for decades. I tell UK Sport that every time there is a significant abuse case, all the money the governing body receives should be given to the athlete group. ...You don’t have to teach athletes what isn’t right.”



The athlete representatives and other stakeholders attending the session had the opportunity to discuss the preliminary results of the two Erasmus+ projects SAPIS and EMPLOYS. Photo: Thomas Søndergaard/Play the Game.

“For me, it is also about getting whatever group who gets that money to be in a position where they truly work for the benefit of those athletes because, from my experience in the past, I have seen that not all athlete groups work for the right reasons. What is worse than no athlete group is an athlete group that is seen as an athlete group but does the work of whoever you are going to fight.”

“One root of the problems is the imbalance of power – but how can we change that? For me as a lawyer, it is strategic litigation and using the tools that are available, e.g. EU competition law and the like. If you look to the US and how they achieved collective bargaining agreements, I think it is the only way forward. You must support these efforts through financial aid programmes, or have public authorities support athletes like Athletes Germany.”

“You need class action, you need to prevent individual athletes from exposing themselves in front of a judge as in the Bosman case because athletes will lose their chance to be nominated or appear in major sports events again after suing a sports organisation.”

“There is surely a place for legal intervention and legal cases as in Europe there have been some successful rulings with the Bosman ruling being the most significant. But I would be nervous to say that this should be the only route because firstly, you cannot guarantee the outcome of a legal case, so you are putting all your eggs in one basket. But it also displaces the problems a bit. You have to organise athletes and get them gathered around common agendas and around their interests and issues which they feel strongly about and which you can then take to governing bodies. But at some point, athletes also have to come to the realisation that the withdrawal of labour is their biggest weapon. It should not be used all the time, but you have got to be able to have it in your toolbox if they are going to be able to make real progress. It should be used strategically.”

“This conference is a classic example of the imbalance. We are all here as athletes and athlete representatives trying to get into the room to make the case, but the international federations and the IOC and the governing bodies are not here to defend their case. We are irrelevant to them. They are not here to defend.”

“The IOC has accepted that there is a need for athlete representation otherwise there would not be an AC. So, the principle has already been established. The question is how significant it should be. The same goes for UEFA regarding the participation of clubs. So, once the principle has been established, you have to come forward with a practical proposal of what it looks like.”

“That’s where we are now. We are now to find the different needs from the athlete perspective with regard to everything from social protection to minimum income standards... Then of course it becomes a major challenge to get and engage the employer side or to first at least identify the employer’s side. For example, collective bargaining is not possible in the near future because there is no recognition from the employer side. The IOC would never acknowledge their role as employers although it is empirically proven in our research that this is the case. And I think we should start here: Who should be held accountable? And who has the weapons?”

“The state is the most important actor and even when states do not have competence in spirit, at least in Europe we have the EU which does have the competence and they define what the one condition for sporting autonomy is: It is good governance. And as long as they understand good governance as publishing the financial reports and having some athletes’ committees, nothing will change. But if they argue like we do that good governance is making sure that the basic rights of athletes are fulfilled, we might see some change because it changes the narrative. And when we talk to coaches and athletes, we so often hear that practicing elite sport is a privilege and we do not need rights.”

*Quotes from the session were gathered by Christina Friis Johansen, former employee of Play the Game.*

# CASE STUDIES





## Chapter 8: A union and athletes' commission in partnership – the case of the Dutch NOC and NL Sporter

By Andy Harvey, Swansea University

Thanks to a partnership in the Netherlands between the union NL Sporter and the athletes' commission of the Dutch NOC, it has been possible to establish athletes' commissions in an array of sports. It is an example of how the principles of democracy, especially participatory democracy, can help to build a wider infrastructure of athlete representation. The partnerships also help overcome resource limitations.

NL Sporter is a Dutch multi-sport trade union that represents athletes from over 50 sports with an estimated 1,800 individual athletes. The secretariat of the union employs two experienced officers and is steered by a governing body of seven board members. The main work of the union is to assist athletes with individual contracts and legal issues, collective legal work, influencing sports policies, and advocacy.

NL Sporter aims to foster productive collaboration with the National Olympic Committee and seeks to work in partnership with sports governing bodies for the benefit of athletes. NL Sporter is a member of the NOC High Performance advisory group and uses that position to advocate on behalf of athletes in respect of sports policy, stipends, integrity, Olympic contracts and other matters. NL Sporter has been helped in this work by a national sports governance code that promotes stakeholder approaches to sports governance.

Also, the union and the athletes' commission have organised joint surveys to discover the views of athletes and have established educational programmes for athletes' commissions. Furthermore, the organisations join forces when needed to strengthen the position of athletes and to influence important policy issues.

As the union is small and with limited resources, it does not always have the capacity to represent all athletes in the many sports within its auspices. Thus, the strategy of NL Sporter is to expand its organisation and improve athlete influence by helping to set up athlete representation within all 76 federations. To date, approximately 15 federations have a working athletes' commission with up to 60 more set to be established in 2023.

In 2021, NL Sporter was part of a working group for the newly established Sports Governance Code which recommends that all federations should have an athletes' representative body. However, as the code is a set of principles rather than being rule-based, NL Sporter, the NOC and its athletes' commissions successfully argued for minimum standards of representation that all federations must fulfil in order to receive funding through the national lottery. These requirements state that by the end of 2023, all federations must have an athletes' representative body with specific rights and with an influential position within the federation.

Critical to this partnership arrangement is an understanding of the spheres of influence of each organisation. NL Sporter is an independent players association while the athletes' commission is an advisory committee of the NOC. This arrangement gives NL Sporter freedom to take whatever action is needed to represent athletes, while the president of the athletes' commission has a place on the board of the NOC with direct access to information and influence on specific issues.

Challenges remain to ensure that athletes' commissions represent the collective view of athletes. But overall, the encouragement of athletes to establish their own commission within the sports governing bodies helps bring the voice of athletes to decision-making.

Organising athletes, especially in individual sports, can be difficult. NL Sporter is showing that by adopting a partnership approach, using the leverage of the governance code and lottery funding of sports, they can overcome some of their own resource limitations for the benefit of both athletes and sports.





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## Chapter 9: Building a sports union through athlete engagement – the case of the Spanish Women’s Futsal Players Association

By Andy Harvey, Swansea University

The Spanish Women’s Futsal Players Association (AJFSF) shows how a sports union can be developed from small beginnings to a thriving player association. The case especially highlights the importance of involving union members through face-to-face communication and social media engagement. It serves, inter alia, as an example of deliberative democracy as players are able to have their voices heard through the union.

Building a union from the ground up is no easy task but has been achieved by the Spanish Women’s Futsal Players Association (AJFSF). The union has grown from less than 50 members to over 400, representing 80 per cent of top-division elite women futsal players.

The initial growth of the union was influenced by a highly motivated individual who was able to promote the benefits of the union to other players by word of mouth and to show how joining the union could be of value to all women futsal players. Visits to dressing rooms as part of an EU-funded programme to speak to players about integrity issues were used as an entry point to also organise a union.

The most important message was to ensure that players understood that they have power as the sport is dependent on the athletes, but only if they act as a collective. It was also important to show players that the union has a strategy and a plan to improve their rights and working conditions. Learning from the lessons of other unions that have organised athletes was also considered important.

The union’s way of communicating with players has been critical to its success in building and maintaining itself. Face-to-face meetings in dressing rooms are used by the union to maintain contact with players, ensuring that team visits take place at least every two years. WhatsApp groups help the union stay in touch with players and to understand their issues. These methods of communication are supplemented by surveys and research.

The expansion of membership has enabled the union to obtain a seat on important committees of the Spanish FA that discuss items including competition regulations and professional licenses. Having a significant membership enables the union to be the legitimate voice of players in those decision-making meetings.

Equally important to the success of the union has been to establish a core set of values and principles in terms of collective advocacy combined with transparency and honesty so that members can see that the union is working on behalf of the players as a whole. The union has also ensured that it remains pragmatic and strategic in terms of working for the longer-

term benefit of greater professionalisation of players by increasing the resources that flow into the sport.

Remaining relevant to members is critical and to do this the union has developed services such as discounts for shoes, dual career support, legal advice and support in respect of welfare issues. Ensuring that all members can see value in union membership is vital to retain the high density that is needed for collective negotiations with the FA, league and clubs.

Overall, the AJFSF is an example of organising players into a union by communicating the benefits of unionisation in a precarious sport and using the collective strength of membership to improve the financial position of the sport for the benefit of current and future members. In 2022, the union helped launch an international association that will extend union membership globally.



## Chapter 10: Making an established union more influential – the case of Rugby Players Ireland

By Andy Harvey, Swansea University

A well-established sports union, Rugby Players Ireland, uses its comparative advantage within the governance landscape to attract resources through commercial activities and by providing top-class benefits to its members. It uses its strategic positioning as representative body to enhance its influence within the game.

Rugby Players Ireland was established in 2001 and has a membership of approximately 400 players representing women's and men's rugby across the island of Ireland.

As the union for professional and elite players, Rugby Players Ireland has negotiated a collective bargaining agreement (CBA) since 2019 that recognises its position as the collective voice of players. While the CBA does not cover individual wages (in common with CBAs in other sports) it gives the union the right to negotiate all other aspects of the players' contracts – for example, bonuses, insurance, terms of engagement, dress code and grievance procedures.

The union organises its work under three main pillars: representation, development and engagement. Together, the activities under the pillars enable the union to engage in traditional trade union work of bargaining on behalf of players – both individually and collectively, to provide services to members to assist with personal development, and to work with commercial partners for the benefit of the union and members. Central to the pillar of development is the work of player development managers who are located within the different provinces and work full-time helping players with activities as diverse as education, welfare, dual career support and more. These managers are financed under a negotiated agreement with the sport's governing body.

However, while Rugby Players Ireland organises its work under three separate pillars, there is a significant degree of crossover between them that enables the union to develop as a representative organisation. For example, because player development managers work closely with players in their day-to-day role they are able to identify issues that may require the representative input of the union to resolve. By acting as the local 'eyes and ears' of the union, the player development managers are able to refer the organising work of the union to the relevant department in the association as well as to provide members with high-quality personal development benefits.

Similarly, the corporate engagement work with external partners not only helps to provide the union with useful financial resources but also provides network opportunities for players looking for a post-sport career. In this way, the three pillars can be seen as working towards the single objective of building union influence and ensuring that the union stays relevant to members.



Overall, Rugby Players Ireland is a good example of how a mature players union in a professional sport can use its comparative advantages in the governance landscape of professional and elite rugby in Ireland to build and extend its influence for the benefit of players and the sport.



## Chapter 11: Athlete advocacy for structural changes – the case of Atletas pelo Brasil

By Christian le Coq, Play the Game

The advocacy group, Atletas pelo Brasil (ApB), has been successful in mobilising athletes' voices to contribute to policy reforms of Brazil's sports system. The group has utilised the influence of its member base of elite athletes to reach both politicians and the wider public. Close and frequent communication as well as a supportive secretariat have been key in the work of Atletas pelo Brasil.

Atletas pelo Brasil (ApB) is a Brazilian athlete advocacy group founded in 2006 with an aim of making sports more inclusive and accessible for everyone in Brazil. The advocacy group consists of 60 members, all either active or former elite athletes that have represented Brazil's national sports teams. ApB's secretariat has two full-time employees and is governed by a board of five athletes. Funding comes from donors that support ApB's objectives and is supplemented by a membership fee from all members. A financial report is published annually.

The advocacy group works to influence sports policies to create systemic changes in the Brazilian sports system and divides its activities into three pillars: lobbying, mobilisation and press, and content creation.

Among its achievements, ApB has contributed to more transparency and democratic governance in sports organisations by influencing a law that establishes criteria for receiving public funding. Such criteria include term limits for the president and formal athlete representation in the organisations. During the last year, ApB has successfully advocated for an increase in public funding to social sports projects by up to 120M EUR and an increased priority of amateur sports in Brazil's national sports strategy.

Much of ApB's success as an advocacy group revolves around utilising the influence of its member base. Being elite athletes, ApB's members have many followers on social media as well as networks of athletes and public figures. By utilising these members' reach, ApB is able to spread information and messages as well as mobilise significant support for policy proposals among athletes and the wider population. To assist their members, the ApB secretariat, therefore, puts much effort into creating content with specialists, which the members can share with their followers.

Through the member base's network, ApB also engages in close dialogue with politicians both by travelling to in-person meetings and delivering written inputs and proposals. This dialogue is supported by significant athlete turnout at the Brazilian congress when policy proposals are being discussed to show the athletes' support. Finally, ApB informs the press about the advocacy group's activities to broaden its messages to the wider population.



Communication between the secretariat, board, and members functions through different channels. Formally, the secretariat and board meet every other week to discuss current activities and possible issues. Minutes are shared subsequently and a monthly newsletter is distributed to members and partners. A general assembly for all members is held annually where strategic decisions are made, such as the approval of recommendations or board elections.

More informally, WhatsApp communication is an important driver in ApB's work as it allows members and leadership to share issues and opportunities with each other. Two WhatsApp groups - one for the board and secretariat, and one for all members and the secretariat - are used daily as a two-way form of communication between directors and members to share information from the political system, news articles and ApB's activities.

An inherent challenge for ApB is its members' busy schedule as active athletes. Due to competition and training, members are not always able to follow the progress of national policy developments. A large part of the secretariat's role is therefore to inform and keep members up to date on political issues. In this way, the members know when to share information on social media, when to reach out to their networks, or when to attend political hearings.



## Chapter 12: Providing a safe space for athlete voices – the case of Global Athlete

By Christian le Coq, Play the Game

Since 2019, the advocacy group Global Athlete has established itself as a channel for athletes to voice their concerns. Through an open approach to athlete cases and a close dialogue with affected athletes, the advocacy group brings forth issues ranging from sexual abuse to violations of athletes' rights.

Global Athlete is an international advocacy group founded in 2019 with the aim of correcting power imbalances between athletes and administrators. The advocacy group is managed by a secretariat consisting of a director and a programme manager and is steered by a governing board of four international athletes. In addition, the advocacy group has lawyers and public relations experts on retainers. Global Athlete is entirely funded by a charitable foundation, FairSport, which supports integrity in sports.

Global Athlete was established on the basis of the encouragement of both athletes and FairSport. Following this, a workshop brought together international athletes to decide on the organisation's setup, objectives and strategy. Its board consists of volunteering athletes, originally appointed by the director at the workshop, and now responsible for appointing new board members.

Rather than having a formal membership base, Global Athlete works with athletes on a case-to-case basis. Typically, athletes or athlete representatives approach the advocacy group with specific issues. Due diligence is then conducted to understand who the actor is and to determine the legitimacy of the issue.

Generally, Global Athlete takes up all types of cases. Where the organisation does not have the expertise, pro bono services are used as a means to support the athlete(s), especially in terms of legal advice and communication tasks.

In collaboration with the athlete(s), Global Athlete identifies the different issues at stake as well as the objectives of the athlete(s), before recommending a strategy to approach the issues. If more athletes are involved, the athletes discuss the strategy internally to decide whether to support the strategy. After agreeing, the athletes and Global Athlete proceed with specific advocacy actions.

For instance, Global Athlete drafts open letters on behalf of larger groups of athletes to create awareness about issues such as sexual abuse or violations of athlete rights. Global Athlete drafts an initial letter that athletes then edit to reflect their own voices. After athletes sign the letter, Global Athlete utilises its network to generate awareness. Typically by reaching out to other athlete organisations to co-sign or by contacting media that are often open to elevating athlete perspectives.

Much of Global Athlete's success originates in having established itself as a credible, safe platform for athletes to voice their concerns. The organisation's work is based on a principle of giving athletes the final say and approving every action that Global Athlete takes on their behalf.

Furthermore, athletes use the organisation as a platform for bringing forward issues without being publicly exposed. Global Athlete experiences that athletes are afraid of individually signing open letters out of fear of retribution to their elite careers. But by signing letters as a group of athletes, Global Athlete can elevate issues and advocate for changes without exposing individual athletes.

A continuous consideration for Global Athlete is its ability to respond to an increasing request for support as more athletes come forward. The advocacy group expanded its secretariat with a programme manager in 2022 and uses pro bono work for more specialised tasks. In this way, Global Athlete responds to the very differing nature of issues that athletes experience.

A general challenge that Global Athlete highlights in its work with athlete advocacy is the age gap among athlete advocates. The advocacy group has experienced that younger athletes often are unaware of how the sports governing system functions and in which ways they can influence these.

Other athletes are aware of how to voice their concerns, but fear retribution that affects a prospering career. In effect, athletes are often in their later careers when entering advocacy, which means that younger athletes are often not visible in public debates.





Paul Bradbury/Getty Images

Ian MacNicol/Getty Images

## Chapter 13: A credible athlete voice in Germany – the case of Athleten Deutschland

By Christian le Coq, Play the Game

Through a growing member base, athlete services, and a focus on structural issues in the sports political field, the athlete association Athleten Deutschland has become a central actor in Germany. The athlete association is regularly consulted by the German parliament on athlete issues and has been successful in building support for a centre for safe sport.

Athleten Deutschland is a German athlete association representing professional and elite athletes in Germany. The organisation was founded in 2017 in the wake of a major effort by the government and organised sport to reform German elite sport. Throughout this process, athlete representatives realised that playing a part in shaping the future of German sport required increased professionalisation and independence on their part.

Simultaneously, the Olympic movement's ambiguous response to the Russian doping scandal, which brushed aside athletes' concerns regarding the core values of sport, provided an additional incentive to form an independent association detached from the NOC.

Since 2017, Athleten Deutschland has grown from 45 members to more than 1.700 members in 2023. The organisation works towards a German sports system that offers athletes world-class conditions to develop their sporting and personal potential while respecting their human rights.

Athleten Deutschland derives around 80 per cent of its annual budget from funds allocated by the German Ministry of the Interior, while private funding constitutes the last 20 per cent. Membership is free for all current national team athletes, and former elite athletes are eligible for paid membership up to three years after retirement.

Athleten Deutschland has an supervisory board consisting of eight board members with minimum quotas on gender, Paralympic, winter sport and non-Olympic representation. Board members are elected for a four-year period from and by Athleten Deutschland's members at the annual general assembly. The organisation's daily work is led by its Berlin-based office, which employs nine positions.

This office is divided into two departments: a department that takes care of and assists in specific member cases, and a department that focuses on policy-level changes.

The member management department assists athlete representatives in the federations through individual and group coaching, support in achieving co-determination and in negotiating athlete agreements. In addition, it advises members on a case-by-case basis on their concerns. These can range from questions of sports law to non-nomination, anti-doping and experiences of violence and abuse. To ensure that athletes affected by interpersonal

violence, abuse and discrimination receive help quickly, Athleten Deutschland has set up the counselling centre and point of contact "Anlauf gegen Gewalt", which handles around 200 cases per year. The department also drives a network of 180 German athlete representatives from the federations, where much work is put into creating minimum standards for athlete representation.

The policy department works with athlete issues on a more systemic level. Here, the department leverages expertise derived from its member base's firsthand experiences and ground-level data, along with insights gathered through interactions with experts and from scientific studies. These resources inform the development of positions and proposals, which are broad forward to central sports political stakeholders, including decision-makers in sports associations, in parliament, federal and state ministries, civil society and the public. For instance, the department has been successful in gaining support for an independent centre for safe sport, which is dedicated to addressing integrity and human rights issues, such as interpersonal violence, harassment and discrimination.

#### **Working for an independent centre for safe sport**

It took several steps for Athleten Deutschland (AD) to move from identifying athlete issues to reaching political support for a centre for safe sport:

- Following a public hearing on child sexual abuse in October 2020, a number of abuse cases was brought forward in public.
- The public cases and awareness led athletes to approach AD with a range of similar issues.
- In collaboration with experts, AD released a strategy paper identifying underlying structural and cultural problems, and proposed an independent centre with competences in prevention, intervention and truth & reconciliation.
- AD was invited to a public hearing held by the Sports Committee of the German Parliament.
- AD built up a broad alliance of actors behind the proposal, including sports, the political sphere, civil society and the scientific community.
- The Ministry of the Interior commissioned a feasibility study confirming the need for a safe sport centre.
- The establishment of a centre for safe sport was enshrined in the German government's coalition agreement in November 2021.
- While awaiting the establishment of the centre, Athleten Deutschland established the independent counseling center and contact point "Anlauf gegen Gewalt".
- In mid-2023, the Ministry of Interior presented a strategic roadmap for developing a centre for safe sport. The centre was projected to receive an annual budget of six million euros and employ 50 full-time positions.

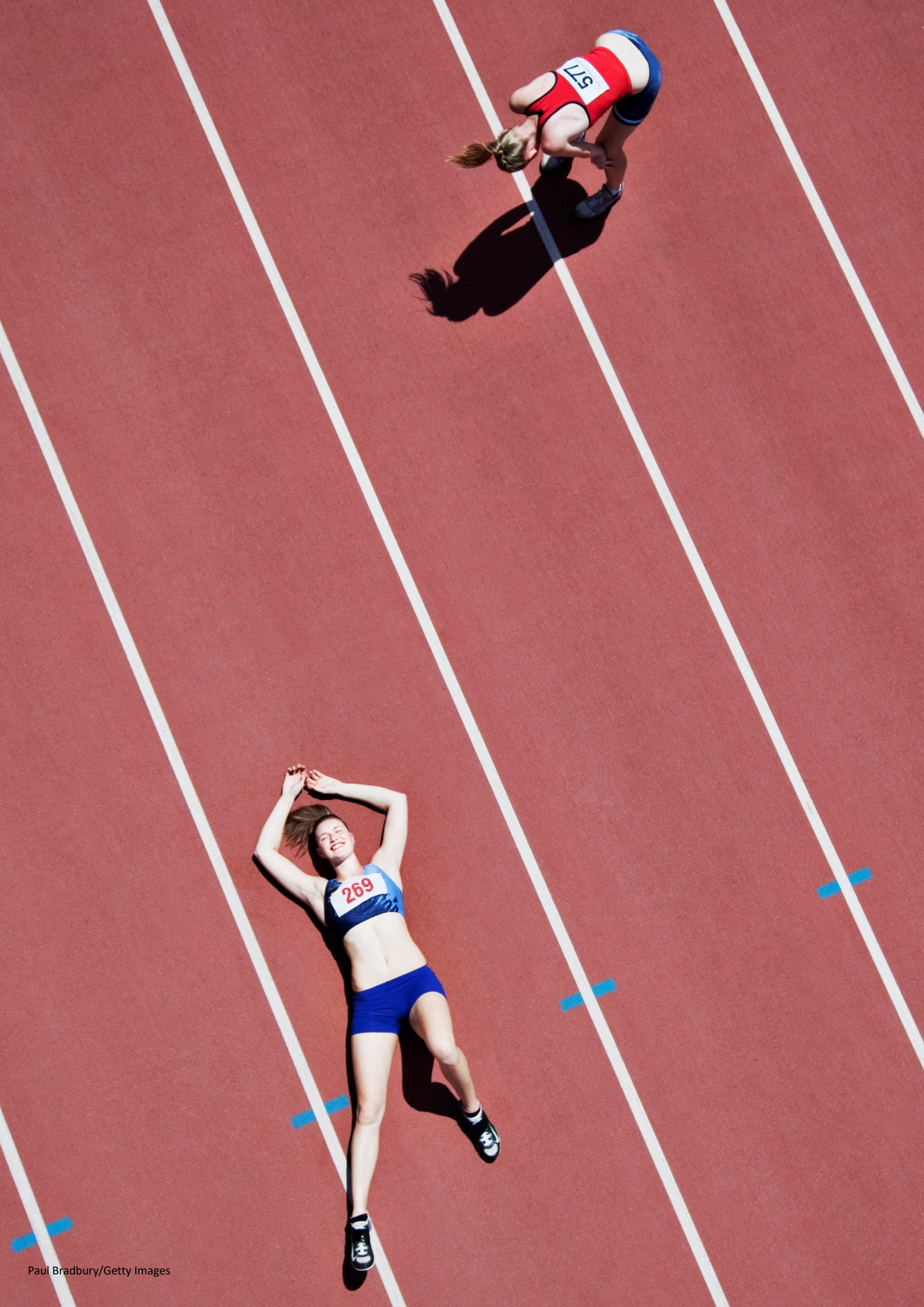
Over the years, Athleten Deutschland has gradually built up its legitimacy and influence in the German sports political arena. The organisation initially gained awareness in media and society by advocating for topical and pressing cases through public criticism and legal



action. As Athleten Deutschland became more well-established and professionalised, this work shifted towards a more long-term approach where issues were addressed within a time span of three to four years. Arguments are built up through athlete cases and expert collaboration to gain credibility. To Athleten Deutschland, this has meant that the organisation is increasingly being consulted by political decision-makers and used by the media as an autonomous voice of athletes.

With this growth, Athleten Deutschland is at the same time aware that resources must be used efficiently to keep delivering high-level and credible inputs from athletes. The organisation's member base constitutes a heterogeneous group of athletes with differing training schedules and availability, and much work is therefore put into developing sound feedback mechanisms to reach a broad representation of its member base. Amongst others, Athleten Deutschland is expanding its network of athlete representatives in the German sports federations to have quick access to each sports discipline.

Another implication of Athleten Deutschland's more influential position inside Germany, is a down-prioritisation of its international efforts. The organisation is concentrating its resources in a field closer to decision-makers as international advocacy entails many resources to develop proposals and build up supporting international coalitions. At the same time, Athleten Deutschland emphasises the importance of maintaining its network of advocacy groups, unions, NGOs, and think tanks to access international knowledge and best practices that can be applied to its work in Germany.





# Chapter 14: Good governance in the employment relations of athletes in Olympic sports in Europe: Targets, approaches and major findings of the EMPLOYS-project

By Jürgen Mittag, Lorenz Fiege and Maximilian Seltmann, German Sport University Cologne

*In parallel to the research carried out by the SAPIS project, another Erasmus+ project dealing with athletes' rights was realised under the leadership of the German Sport University Cologne. The project EMPLOYS focused on the work and employment relations of Olympic athletes. The two projects have exchanged findings and experiences along the road and held a joint session during the Play the Game 2022 conference. Because of the mutual relevance, SAPIS invited the authors above to summarise the findings of the EMPLOYS project in this report.*

The counterpart to the challenge of fostering the influence and representation of athletes in organised sport marks the challenge of improving athletes' employment relationships and social conditions. The organisation of work and employment relations is a core issue of social policy but also touches on fundamental questions of the political and legal order of communities. While employment relations have been researched in detail with regard to the general structure of employer-employee relations, there is hardly any information available for the specific area of employment relations in sport. This is particularly striking as sport has become increasingly shaped by professionalisation and commercialisation. Against this backdrop, the demands for improvements in the conditions of the social and professional setting of athletes have been voiced more and more loudly by an increasing number of actors in the past years. Consequentially, the International Labour Organization (ILO) includes "athletes and sport players" in its International Standard Classification of Occupations from 2012.

## EMPLOYS project's targets

The project 'Understanding, Evaluating, and Improving Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe' (EMPLOYS) aimed at improving good governance in the employment relations of athletes in Olympic sports by providing, evaluating and sharing evidence-based information, practices and recommendations. The project was structured around three specific goals:

- 1) Establishing an evidence base of the legal and socio-political landscape defining the employment relations of athletes in Olympic sports in 29 European countries and the European Union
- 2) Assessing the current practice across the continent
- 3) Developing concrete policy recommendations for key stakeholders.

This contribution presents an overview of the project, its background and its major findings. The project has been carried out between 2020 and 2022 as a collaborative partnership of five academic partners (German Sport University Cologne; University of Rijeka, Croatia; Universidade Europeia, Portugal; Edge Hill University, United Kingdom; Institute for Sport Governance, Poland) and two practice-oriented partners, both umbrella

organisations representing essential parts of the sports sector (European Elite Athletes Association and European Olympic Academies). The project received financial support from the EU's Erasmus+ sport programme as a collaborative partnership.<sup>65</sup>

## EMPLOYS project's approach

Within the framework of the project, the concept 'employment relations of athletes in Olympic sports or athletes' employment relations' are defined as all legal, contractual, financial, and social relationships that enable an athlete to engage in and perform elite sport in their discipline and specific national context, and shape economic exchange relations and social conflict relations. In the initial project phase, a 'Fact Report' (Mittag et al. 2022a) was produced by the academic partners of the project. The study aims at providing a basic *understanding* and evidence base of the legal and socio-political situation of Olympic athletes in different national contexts of 29 states (EU member states, the United Kingdom and Norway) and beyond. Building on this research, principles of good governance (against which an assessment of current practices in the national contexts and on the EU level was conducted) were formulated in view of the *evaluation* of the findings (Mittag et al. 2022b).

Referring to practical policy-making dimensions, the final stage of the project aimed at *improving* good governance in the employment relations of athletes in Olympic sports. On the basis of the evaluation of the current situation and identified good practice examples, policy recommendations were formulated. These recommendations took into consideration the specific roles of the involved actors, as well as national, trans- and international settings (Mittag et al. 2022c). The target groups of this project included all stakeholders involved in the regulation and implementation of employment relations and athlete welfare in Olympic sports. These are governments and legislators, SGBs and athletes' organisations at all geographic and regulatory levels.

These complex relationships can be analysed along the lines of six issue-specific dimensions: contracts, income, commercial opportunities, occupational safety and health, social protection, and participation and bargaining. To ensure the comparability of the data across all 29 countries included in the project, four specific actors of the elite sport system are identified and the relationships they maintain with athletes are examined: national Olympic committees (NOC), national federations (NFs), public authorities without a generic focus on elite sport, and specific elite sports organisations (SESOs). While for many athletes the relationship with a local club may also be decisive for their employment and social relations, the precise role of clubs cannot be analysed systematically on such a large scale and remains a task for future research.

## EMPLOYS project's findings

Evaluating Olympic elite sport from the interdisciplinary perspective of employment relations yields several important findings. Arguably, some of the findings are in contrast to principles that have shaped – and still shape – the field of Olympic sports in Europe (e.g.

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<sup>65</sup> Project reference: 622796-EPP-1-2020-1-DE-SPO-SCP

the concept of amateurism) and might, therefore, become a source for political and administrative controversies. The following overview provides a summary of the research analysis, outlines the central theses, and informs general recommendations.

- 1) Elite sport produces significant economic gains through the commercialisation of international sport events and the Olympic Games. Significant revenues from TV rights and sponsorships are generated through the performance of elite athletes. Also, across the European continent, national governments invest heavily in Olympic elite sports to, amongst other reasons, win medals under a country's flag. Public investment in and the commercialisation of elite sport is driven by the performances of athletes.
- 2) Elite athletes in Olympic sports find themselves in a complex network of relationships, for example with clubs, national federations, NOCs, and potentially with public authorities without a generic focus on elite sport and specific elite sport organisations. Within the framework of this study, the sum of these relationships is referred to as athletes' employment relations. While courts have been reluctant to identify a relationship of subordination with a specific actor, the relationships that elite athletes maintain create a situation characterised by high degrees of dependency on, and subordination under, the actors. In turn, because of the many obligations arising from the relationships, it is difficult to establish situations and contexts in which elite athletes in Olympic sports are not subject to the direction of others. Still, Olympic elite athletes are currently only considered as workers under national law in case of an employment relationship with a public authority or in a limited number of specific cases where courts have held that they are workers.
- 3) For the period of international sports events, the relationship between athletes of the national team and the respective SGB is characterised by subordination and remuneration. Therefore, athletes should be employed for the period of Olympic Games and other international sport events. It may be observed that the monopolistic nature of the pyramidal model of the Olympic movement enables SGBs to exert a high degree of control over the provision of athletes' services including any remuneration derived from those services. Although typically athletes are not considered to be workers of SGBs, they are subject to a high degree of regulation imposed by the national and international frameworks, rules, contracts, and policies of the Olympic elite sport system. The fact that many Olympic elite athletes do not benefit from adequate minimum wages and social protection schemes, inter alia, does not always go hand in hand with an increased flexibility for athletes to market themselves or pursue additional work.
- 4) Six interlinked dimensions characterise athletes' employment and social relations in Olympic sports. The evaluation of the situation against the rights of athletes expressed in 27 principles of good governance reveals that shortcomings prevail across all six dimensions:

- i. **Contracts:** The contractual situation of Olympic elite athletes is complex. Standard contracts are a common feature in Olympic elite sports, and athletes sign different contracts with the actors of the elite sport system (NOCs, NFs, public authorities, and specific elite sports organisations). In many cases, these contracts subject athletes to a significant degree of control by the respective actor but do not constitute an employment contract. While the details of the contractual provisions of most contracts currently remain unknown, and therefore no general evaluation of athletes' contracts can be carried out, standard contracts in Olympic elite sports are usually adopted unilaterally by the more dominant party. Collective negotiation of athletes' contracts is uncommon. These characteristics, together with the monopolistic structure and the inherent imbalance of power within the Olympic movement, support the conclusion that athlete agreements are not entered into voluntarily by athletes.
- ii. **Income:** While specifically designed income/financial support schemes exist in all countries, the research shows that many elite athletes in Olympic sports receive an insufficient income from their practice of elite sport alone to meet their living costs. On the one hand, income/financial support schemes in Olympic sports follow clear meritocratic principles. On the other hand, these schemes are often based on a reward-based social security system in which athletes may become ineligible for funding if they can receive sufficient income from other sources.
- iii. **Commercial opportunities:** For many athletes in Olympic sports, the Olympic Games constitute the most important stage on which to market themselves. Through the IOC's Rule 40 provisions, and also depending on various other contractual relationships, Olympic elite athletes may be subject to restrictions on commercial opportunities and additional work outside of sport. Meanwhile, the different stakeholders of the elite sport system at both the national and international levels provide support systems for elite athletes to enhance their commercial value and skills beyond the practice of their elite sport.
- iv. **Occupational safety and health (OSH):** Due to the absence of worker status, statutory provisions of OSH in national law (e.g. working time and annual leave regulations) only apply to a limited number of Olympic elite athletes. Some important measures of safety and health are provided through a combination of state-organised and private measures. However, a systematic coordination and OSH-focused approach to Olympic elite sport remains a matter for further improvement. Recent scandals of (sexual) abuse in sports have dramatically illustrated the ever-increasing relevance of specific measures to protect athletes from harm that arises from practising sport.



- v. **Social protection:** Coverage and payment of statutory social protection provisions strongly differ depending on both the athletes' legal status (worker, self-employed, or amateur) and the national context. Across the continent, many athletes are not eligible for important provisions, such as statutory pension schemes or statutory maternity/paternity protection. A career in elite sport exposes athletes to several specific risks, and it is characterised by its short length and intense levels of physical activity. Therefore, specific social protection measures that secure an athlete's social status and complement (but never replace) statutory social protection measures are required in today's Olympic sports.
  - vi. **Participation and bargaining:** If athletes are formally involved, it is usually through athletes' commissions within SGBs. The research shows that all NOCs have an athletes' commission. Furthermore, in many SGBs, athlete representatives are included in the decision-making structures. However, questions remain regarding the effectiveness and proportionality of athletes' involvement in these structures. The role of general trade unions and independent athlete organisations, such as athlete unions and associations, is currently limited. This may also explain why collective and independent negotiations are a rather uncommon phenomenon in Olympic sports. Another reason for this may be the difficulty of determining which organisation would represent the employers' side in collective and independent negotiations. Despite some recent developments at a national level (for example, the increasing pluralisation through the formation and institutionalisation of independent athletes' organisations), athletes' current bargaining power must be considered rather weak vis-à-vis the monopolistic structures of SGBs. When considering the power imbalance between individual athletes and sport organisations, it is clear that there is a real risk of detrimental consequences and retaliation for athletes who challenge the current status quo.
- 5) Athletes' relationships are embedded in the legal and socio-political frameworks of the nation-state and beyond. A multitude of private and public stakeholders shape the employment and social relations of Olympic elite athletes. While the focus of good governance in sport usually revolves around the practices of private SGBs, in Olympic elite sport, it should place at its centre the moral and normative rights of athletes as citizens, workers, and key stakeholders of the Olympic movement. The design and characteristics of the various relationships between elite athletes and the stakeholders involved in the governance of Olympic elite sport, as well as the legal and socio-political frameworks affecting them, must be evaluated from a rights-based perspective that places the athletes at its centre.
  - 6) The above analysis highlights that, in general, the legal status of a worker, based on an employment relationship with a public authority at a national level, has positive effects on many aspects across the different dimensions. Besides receiving a regular income that complies with national minimum wage regulations, employed athletes

are also covered by statutory social protection measures and provisions of OSH. From the perspective of the developed good governance concept, however, the practical characteristics and practices that govern athletes' relationships are also relevant when evaluating the status quo and informing future recommendations. Therefore, while athletes who are workers under national law may find themselves in a better position regarding many aspects of their employment and social relations, alternative models and practices that meet the formulated good governance principles can be identified. All stakeholders involved in the governance of Olympic elite sport must assume a joint responsibility to meet these basic criteria in different ways. At the same time, they should still be able to design policies and measures that account for the specific national contexts and the stakeholders' capacities. While some of the athletes' rights might be fulfilled through a specific action in one country, stakeholders in another country may take different actions that will provide the same results, i.e. the fulfilment of the athletes' rights.

- 7) Applying the context-specific dimensions of the present rights-based good governance concept and the broader dimensions and goals of good governance in academic literature (e.g. transparency, accountability, democracy, etc.), we conclude that the dimensions 'Contract' and 'Participation and bargaining' are important to achieving good governance in athletes' employment relations. Contracts are an important tool to increase transparency and enhance accountability in Olympic sports. Instruments of athletes' participation and bargaining (both inside and outside the structures of SGBs) through collective and independent negotiations are important measures to foster democratic governance. Innovative forms of social dialogue and collective bargaining are especially essential for the future good governance of Olympic elite sport. Such instruments provide a countervailing force to the inherent power asymmetries between athletes and SGBs and constitute a way to design policies that account for the specificities of the elite sport sector.
- 8) Olympic elite sport is an international arena. The Olympic movement (private sphere), which is characterised by its pyramidal governance structure, imposes several international regulatory frameworks on athletes with binding rules and regulations. In contrast, corresponding socio-political and legal frameworks with binding effects for the governance of athletes' employment and social relations have not yet been developed by international or supranational actors, such as the EU Council.

If the results of the SAPIS project are dovetailed with the findings presented here, a more comprehensive panorama of future sport policy tasks and agendas emerges. Representation and social rights go hand in hand. Both state and association actors will continue to address this issue, not least because these challenges also affect the foundations of the European model of sport.

## Learn more about the EMPLOYS project

### **Final report**

Mittag, J., Seltmann, M., Fiege, L., O'Leary, L., Zembura, P., Luiz Haas, L., Santos, T. and Schadwinkel, S. (2022). *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating - Improving*. Rijeka: University of Rijeka.

### **Fact report**

Mittag, J., Seltmann, M., Fiege, L., O'Leary, L., Zembura, P., Haas, L., Santos, T. and Smokvina, V. (2022). *Understanding the Employment Relations of Athletes in Olympic Sports in Europe: Fact Report*. Rijeka: University of Rijeka.

### **Evaluation report**

Mittag, J., Seltmann, M., Fiege, L., O'Leary, L., Zembura, P., Haas, L., Santos, T. and Smokvina, V. (2022). *Evaluation report: Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe*. Rijeka: University of Rijeka.

All reports are available online on the EMPLOYS project's homepage.<sup>66</sup>

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<sup>66</sup> See <https://www.dshs-koeln.de/institut-fuer-europaeische-sportentwicklung-und-freizeit-forschung-jean-monnet-lehrstuhl/forschung-projekte/laufende-projekte/employs-understanding-evaluating-and-improving-good-governance/>





# Chapter 15: Perspectives on the democratisation of sports governance: Can artificial intelligence empower athletes?

By Alberto Carrio Sampedro, University of Pompeu Fabra

AI, like many other technologies, is neither good nor bad in itself. But unlike other technologies, AI can pose a serious risk to sport in general and to the democratisation of sports governance in particular.

Historically, sport has lacked democratic muscle. Especially professional and elite sport. This is due to a number of factors, not least of which is the long-standing focus on winning at all costs and the paternalistic structure of sport. This has meant that the coach's decision has always been favoured over the athlete's preference, the wealth of the club over the welfare of the team, and the federation's concern over the ethics and values of sport. This also explains why the government of sport has never been an example of good governance. Although some important steps have been taken in recent decades to make sports governance more transparent, accountable and democratic, much remains to be done.<sup>67</sup>

Yet democracy is always lauded as a great ideal by the world's most powerful sports leaders, and most major sports organisations are set up as centralised democracies, linking local clubs to the international federation.

But the way we understand democracy could be challenged by a new, non-human actor that has entered the world of sports governance in recent years: Artificial intelligence (AI). The intrusion of AI into sport is not new. AI systems have made their way into every single corner of sport, including its governance. AI systems are currently being used to recruit athletes, assist coaches and referees, prevent injuries, improve performance and engage fans, and the applications are endless. But not all of them are positive.

AI is also behind new forms of doping, illegal betting and match-fixing.

What about AI and democracy in sport? Does AI improve or threaten the power of athletes?

To answer those questions, let us first look at different ways of dealing with democracy, such as we have done over the past four years in the SAPIS project.

## Why democracy matters in sport

Democracy is a prerequisite for good governance in sport. This is stated in the fundamental principles of the Olympic Charter, the IOC principles of good governance (principles 2.5

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<sup>67</sup> The weakness of sports governance could be easily checked in the successive editions of the Sports Governance Observer published by Play the Game <https://www.playthegame.org/media/oodhlakx/sports-governance-observer-2019.pdf>. Last access 14 of July 2023.

and 2.6) and the statutes of each and every international federation. So why is democracy so important in sport?

Giving athletes a voice in decision-making is important because athletes are the most relevant stakeholders in sport. Simply put, sport cannot exist without athletes, nor should it be governed without them. Including athletes' voices in decision-making processes improves the process itself and is also likely to lead to better decisions. Indeed, an inclusive process allows for athlete engagement and increases the quality of the policies that are agreed upon after taking different views and concerns into account.

In short, improving athlete representation in sports governing bodies (SGBs) means improving their legitimacy. In fact, a closer look at democracy reveals how closely it is linked to many other fundamental values of sports governance, such as freedom of expression, equality and inclusion. In other words, the very idea of democracy is rooted in human rights.

## Different conceptions of democracy

Democracy can be articulated in different ways. In this report, three types of democratic conceptions have been emphasised. First, representative democracy is the usual form adopted by western liberal democracies. Representative democracy is rooted in the idea of someone representing the interests of other people. If the process is fair, the representative is appointed after a free, fair and open election process. Representative democracy is useful in large societies. However, it also raises much criticism, mainly related to the lack of people's involvement in political affairs and the lack of commitment of the delegates to the interests of the community they represent.

Second, participatory democracy is a fairer and more open way of taking part in decision-making. Participatory democracy is seen as a way of overcoming the problems of representative democracy and improving the quality of decisions, as it involves the people themselves in the whole decision-making process. In short, participative democracy gives everyone the chance to be part of the change they want to see in society and sport. This can be achieved through various procedures, i.e., open communication channels or permanent consultation with key stakeholders.

Finally, deliberative democracy should allow athletes to participate in an open, free and public debate. This constructive process of debate and argumentation should lead to agreements and compromises that take into account the interests of all parties involved. Although it can be argued that deliberative democracy is an idealised version of participatory democracy rather than a distinct type of democracy, it is worth keeping this third conception in mind.

The three conceptions of democracy just described should be seen as complementary rather than as three different types of democracy. They can also be implemented at different levels and stages of the decision-making process.



In any case, all forms of democracy are rooted in human values and reasoning, and in the equal dignity of each individual to have a say in matters that affect him or her. However, in each and all of these versions, democracy today is challenged by the intrusion of AI into sports governance and the lack of policies on AI governance in sport. It is therefore worth asking whether AI will fundamentally serve or shake the democratic rights of athletes?

## The democratisation of sports governance

AI systems are designed to achieve a given goal in an efficient way. The goal can be as diverse as improving athletic performance, preventing injuries or providing successful in-game strategies. AI systems can also help improve governance and democracy in sports. From one perspective, AI can be part of the democratisation of sport and strengthen the voice of athletes.

When AI systems are tailor-made to facilitate deliberative processes, they can inform athletes about the pros and cons of a given situation and provide proportionate advice on the best decision, taking into account the values of sport and the common good.

As explained above, democracy is much more than voting. In order to have a meaningful say in sports governance, it is important to access the relevant information. AI systems can be very valuable in disseminating information, enabling new ways of participating in deliberative processes and even enabling secure electronic voting.

But AI can also be a serious threat to democracy, including the emerging democracy in sport.

## Playing with algorithms

As is already happening with big data and social media, AI can be used to spread fake news and manipulate public opinion. Even if social media is not necessarily powered by AI, AI systems can play an important role. For example, bots – autonomous programmes that interact with users or other systems – are increasingly being used to manipulate public opinion and influence voters' preferences.

It is true that manipulating human decisions and experiences is something that propaganda has always been used for. But AI and in particular the rapid development of Large Language Models (LLM) is a much more serious threat because it can confuse people to the point where they are unable to distinguish facts from fiction. It is certainly not hard to be fooled by AI-generated images, as happened a few months ago with the fake attack on the Pentagon, the fake arrest of former President Trump, or the prestigious Sony World Photography award to German photographer Boris Eldagsen, who refused it after confessing that he generated the winning image using AI.

Moreover, AI is a powerful tool for finding new ways to push people, especially young people like athletes. As happened with other technologies, using AI technology to nudge people by personalising information and advertising can be an effective tool used by sports

leaders or even by the athletes' representatives to manipulate voters' opinions and preferences.

That is because the increasing use of AI can easily lead to populism in sport. Consider the ability of AI to create fake news, putting words into people's mouths that they have never said, or even using facial recognition algorithms mixed with voice clips to create a fake news story that will pass for real news for a while. The fake interview with Michael Schumacher published by the German magazine *Die Aktuelle* some months ago is just one example of how far this technology can go.

Another important concern is the contribution of AI to the creation of an elite of athlete representatives who may be more concerned with maintaining the status quo than improving athletes' well-being. In this sense, it is worth considering how AI is quickly becoming a serious problem for democratic processes. Consider, for example, how generative AI can produce targeted campaign texts, pictures and videos used to mislead voters, impersonate candidates and undermine elections on an unprecedented scale and speed. It is not difficult to see how this can be used to favour a representative elite with the technical knowledge to do so. Clearly this situation could jeopardise diversity and public deliberation, undermining the incipient democratisation process rather than strengthening the power of athletes in sport.

Finally, it is important to note that AI systems are fed by data. Undoubtedly, data is a major concern for a number of reasons:

- Data is not always collected and used in an ethical and legal manner.
- Data in sport is particularly sensitive as it collects personal information related to health, biometrics and even neural data from athletes' professional and non-professional activities. Thus, any breach of security in the handling of data can jeopardise the independence and autonomy of athletes and their representatives, seriously compromising genuine deliberative democratic processes.

But even in the best of circumstances, AI could be a dangerous technology that threatens the legitimacy of sports organisations. AI is far from being a transparent technology. This makes it almost impossible for AI to meet the requirements of transparency and accountability that are imposed by the principles of good governance. But all these considerations aside, making decisions based on AI recommendations implies replacing human agency and the athlete's voice within the sports organisations for the sake of efficiency. This is not always the best way to achieve good governance and integrity in sport.

## Conclusion

AI, like many other technologies, is neither good nor bad in itself. But unlike other technologies, AI can pose a serious risk to sport in general and to the democratisation of sports governance in particular.

That is why there is a need for the development of an ethical framework for the use of AI in sport, and especially for its governance.

This framework should address the priorities of athletes, in particular:

1. autonomy
2. privacy
3. equal and fair access to AI
4. human agency and oversight
5. transparency and accountability.

Overall, however, AI should be used to enhance the integrity of sport and increase the power of athletes in sports governance, rather than replacing them with decisions made by algorithms.

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Strengthening  
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