

The Future of Athletes' Employment Relations in Olympic Sports

***Results and Recommendations from a
Good Governance Perspective***

Multiplier Sport Event | Brussels | 6 December 2022

- Sport traditionally shaped by notions of **amateurism, voluntary engagement and prestige** – **professionalisation and commercialisation** changed perception 
 - **Ambiguous picture:** athletes as acclaimed stars and public heroes vs. reports on difficult financial situation of athletes and precarious employment conditions
 - **Hardly any information and studies** available for the specific area of employment and social relations in sport
- **Understanding, Evaluating, and Improving Good Governance in the Employment Relations of Athletes**
- **Improving Good Governance, legitimacy and integrity in elite sport**



The Three Dimensions of the EMPLOYS Project

Understanding

evidence base of the legal & socio-political landscape



1/2021-12/2021



Fact Report
December 2021

Evaluating

assessing current practices



1/2022-6/2022



Evaluation Report
in July 2022

Improving

developing concrete policy recommendations



7/2022-12/2022



Final Report
December 2022

Goals,
Phases &
Outputs



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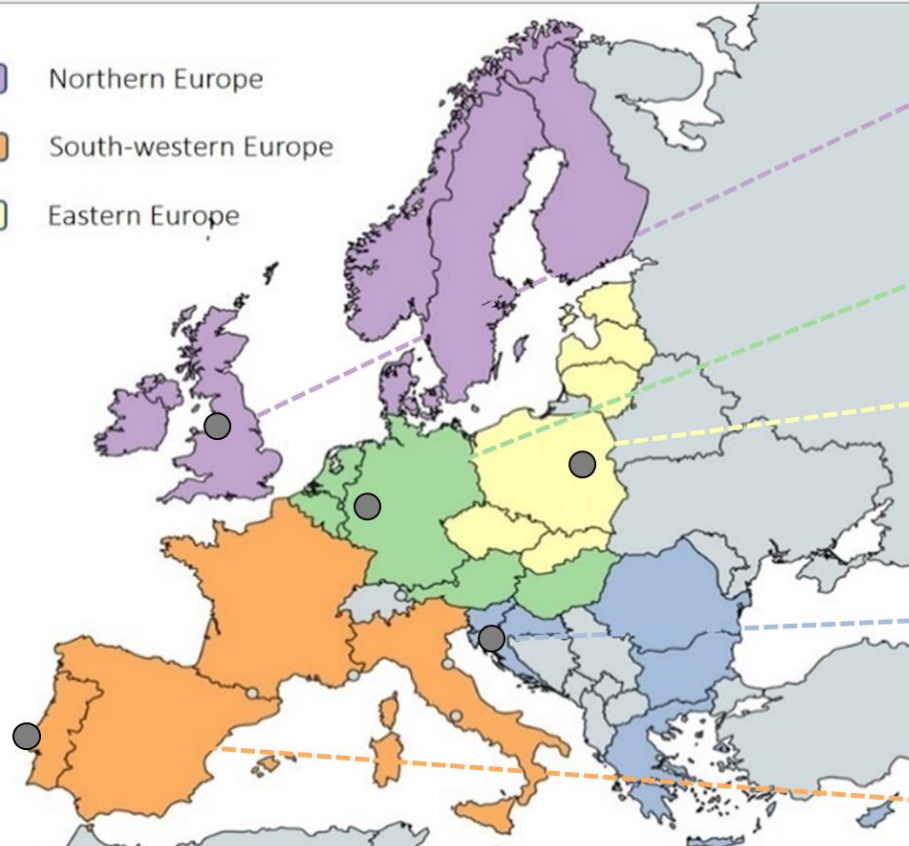
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Geographical Scope

- Central Europe
- Northern Europe
- South-eastern Europe
- South-western Europe
- Eastern Europe



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Universidade Europeia

Project & Partners

Good Governance in Athletes Employment Relations

- 1. Conceptual Background**
- 2. Analytical Theses**
- 3. Stakeholders' Roles and Responsibilities**
- 4. Recommendations**

→ Panel Discussions

Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

Conceptual Background

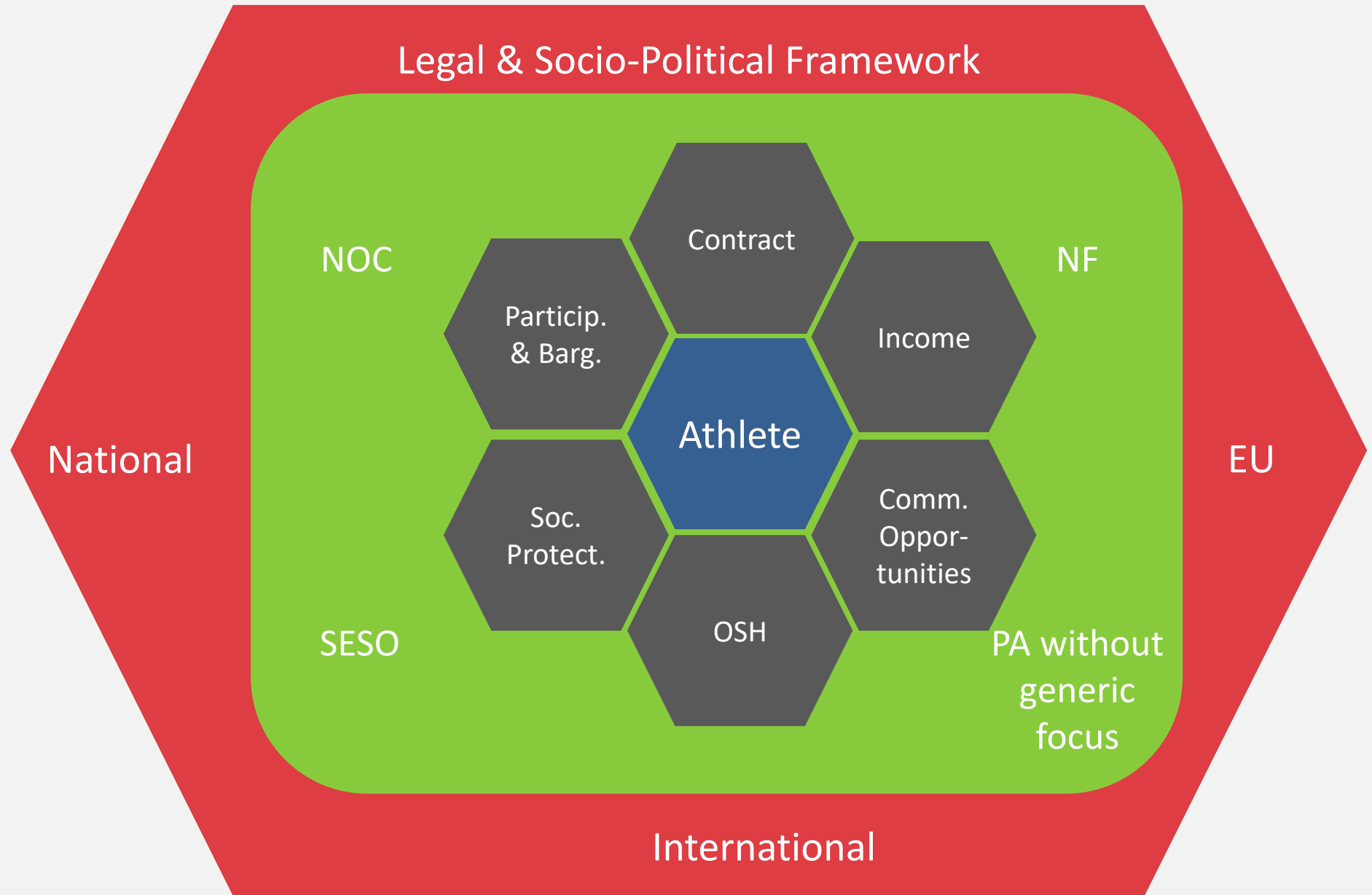
Basic Assumptions and Data

- **Scope: 25.000 “Athletes in Olympic Sports” in the 29 countries**
 - members of the elite cadres/national teams
 - 3.941 participants in Tokyo 2020 Games
 - 1.408 participants in PyeongChang 2018 Games
- Elite athletes in sports that are organised outside of professional leagues and where the Olympic Games constitute the pinnacle of their sporting career
- **Excluded from the data collection:**
 - football, basketball, ice hockey
 - if professional leagues exist in a country: volleyball and handball
 - tennis, golf

Athletes Employment Relations:

“**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 as well as shape economic exchange relations and social conflict relations; this includes the **networks, institutions** and **systems** in which different actors are involved with regard to **work related processes** and **economic activities**.”

Concepts



Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

Analytical Theses

Thesis 1

“The elite performance of athletes in Olympic sports produces economic gain and is the reason for the spending of substantial amounts of public money.”

Key arguments

- **Commercialisation / mediatisation** of the Olympic Games
 - Significant revenues from TV rights and sponsorships
- **Public funding** (> sporting success > image/nation branding)
- **Athletes’ performance = key condition for economic gain and ultimate reason for the money in the system**

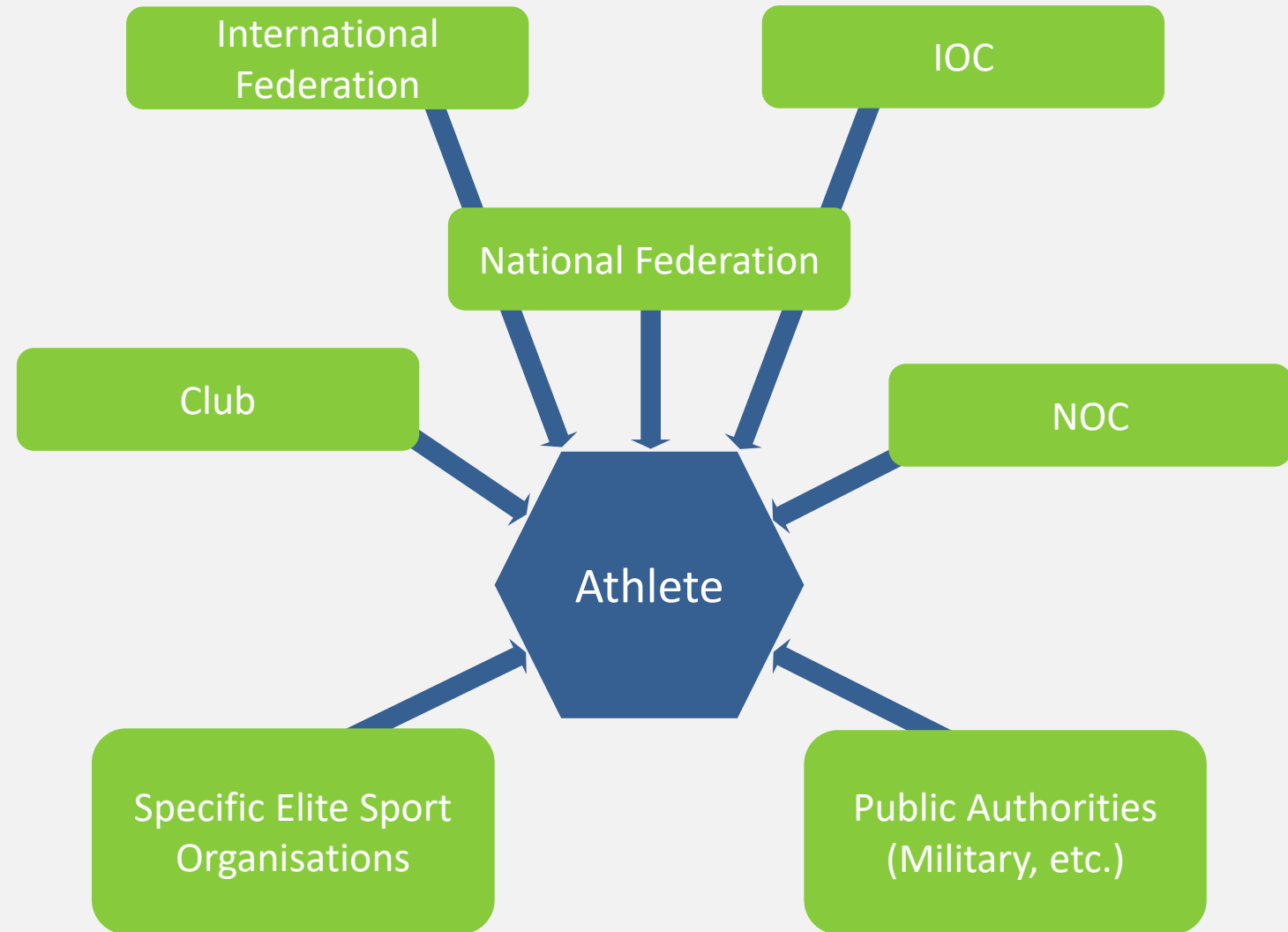
Thesis 2

“Olympic elite athletes provide their services in an environment of subordination.”

Key arguments

- Athletes operate in a **complex network of relationships** and are subject to:
 - obligations
 - direction of others

Environment of direction and subordination



Thesis 2

“Olympic elite athletes provide their services in an environment of subordination.”

Key arguments

- Athletes operate in a complex network of contractual relationships and are subject to:
 - obligations
 - direction of others
- Economic gain + subordination ↔ lack of worker status

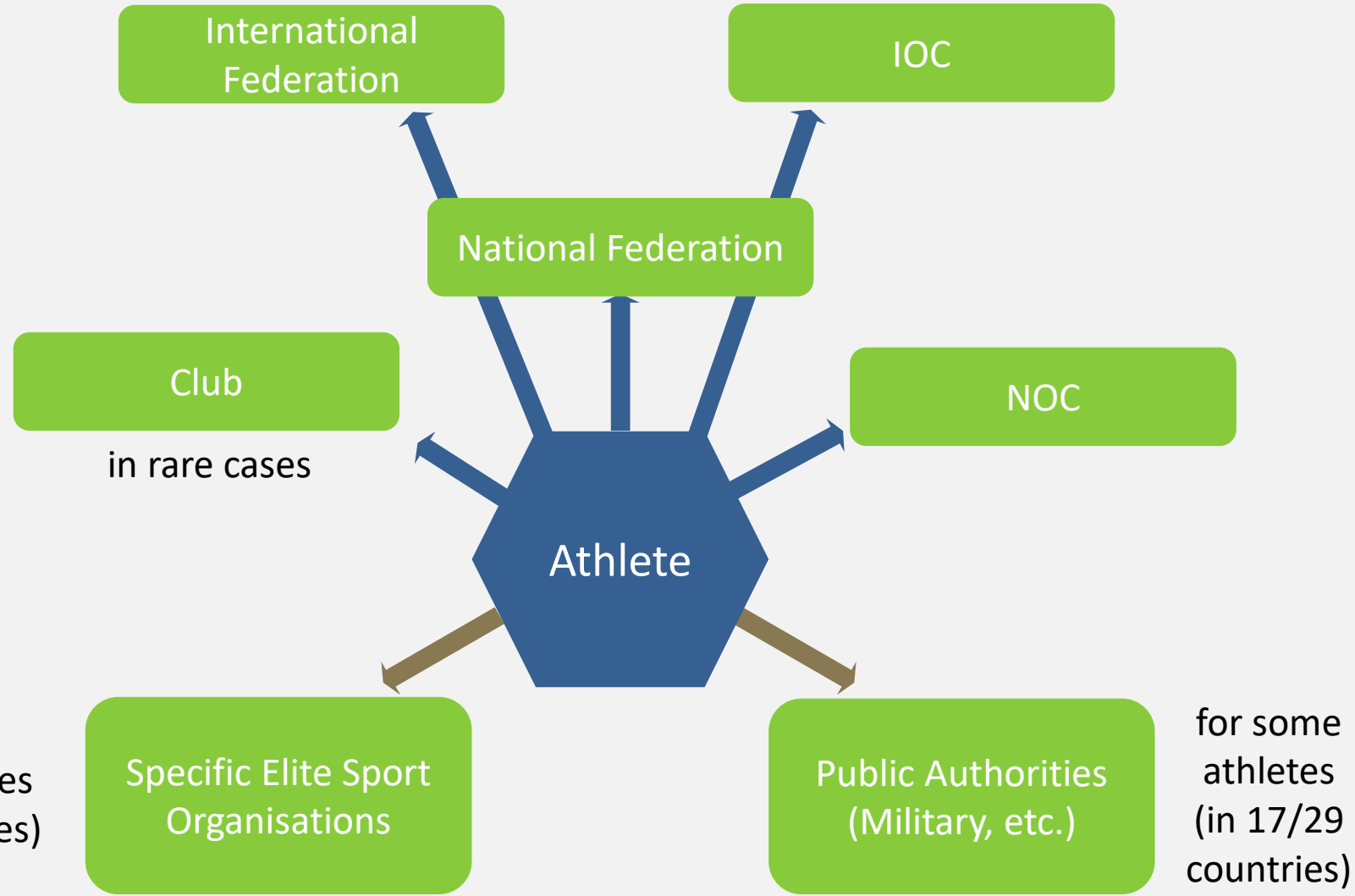
Employment relationships

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Thesis 3

“SGBs have a significant degree of control over the career of Olympic elite athletes.”

Key arguments

- (1) Relationship between SGBs and athletes **during international events** characterised by **remuneration and subordination**
→ workers (cf. *Vanessa Sahinovic*)
- (2) Monopolistic **pyramidal model** of the Olympic Movement
 - **High degree of regulation** through international and national frameworks, rules, contracts, and policies
 - Influence of on athletes’ service provision & remuneration

Thesis 4

“The situation of athletes’ employment and social relations can be precarious.”

Key arguments

(1) Contract

- Limited transparency and opportunities for an independent evaluation of contracts
- Unilateral adoption by the dominant party (“non-voluntary”)

(2) Income

- Insufficient income from the practice of sport alone
- Meritocratic / reward-based ↔ social security-based

Thesis 4

“The situation of athletes’ employment and social relations can be precarious.”

Key arguments

(3) Commercial Opportunities

- Restrictions on self-marketing and additional work ↔ support structures

(4) Occupational Safety & Health

- Limited application of statutory provisions in national law ↔ combination of state-organised and private measures

Thesis 4

“The situation of athletes’ employment and social relations can be precarious.”

Key arguments

(5) Social Protection

- Athletes’ **ineligibility for statutory provisions** (e.g. pension)
- **Specific private measures *only* complementary**

(6) Participation & Bargaining

- Concerns re **proportionality, effectiveness & independence** of athletes’ involvement through SGBs
- Limited role of **collective and independent negotiations**

Thesis 5

“Good Governance in Olympic elite sport requires a systemic approach that places athletes’ rights at its centre.”

Key arguments

- **Pluralisation ↔ Fragmentation**
 - **A multitude of (a) public and private stakeholders and (b) socio-political and legal frameworks at various levels**
 - Interventions at **organisational level** insufficient!
 - **Shared responsibility** essential!
- **Moral/normative rights of athletes as (1) citizens, (2) workers, and (3) key stakeholders of the Olympic Movement**

Rights-based approach to Good Governance

→ UN OHCHR (2022): “The true test of 'good' governance is the degree to which it delivers on the promise of (human) rights.”

Thesis 5

“Good Governance in Olympic elite sport requires a systemic approach that places athletes’ rights at its centre.”

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Good Governance in the employment relations of athletes in Olympic sports in Europe:

“systemic, political and organisational measures to ensure the fulfilment of athlete employment relations rights.”

Thesis 6

“Athletes’ employment relations rights can be fulfilled through different ways; while worker status is preferable, the actual practice of the stakeholders is important.”

Key arguments

- Context-specific national solutions are required!
 - (a) **Worker status under national law > benefits for athletes** (e.g. minimum wage regulations, social protection)
 - (b) **Alternative models/practices** (“functional equivalents”)
- *Condition* = **shared responsibility of the involved stakeholders**

Thesis 7

“Contracts, social dialogue and collective bargaining are important tools of Good Governance in athletes’ employment relations.”

Key arguments

- **Contracts**
 - Transparency and Accountability
- **Participation & Bargaining**
 - Democracy
- **Two countervailing forces to the inherent power-asymmetries in Olympic sports between athletes and SGBs**

Thesis 8

“Interaction and coordination between the national and transnational/supranational levels remain a key challenge for effective athlete-centred policies.”

Key arguments

- **National level = main point of reference for athletes**
 - SGBs’ rules and measures (*private*)
 - Regulations/policies in national law (*public*)
- **International level = regulatory imbalances between private & public governance spheres**
 - Binding IOC’s rules ↔ non-binding/”softer” socio-political frameworks of IOs (e.g. ILO, CoE)

Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

***Key Stakeholders (National Level):
Roles and Responsibilities > Recommendations***

GOVERNMENTS

Roles and Responsibilities

- Legislator
- Coordinator
- Supervisor
- Funder
- Agenda-setter
- “Legitimiser” of key actors

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Recommendations

- Amend/consider adopting (new) legislation on athletes’ welfare and rights in Olympic sports
- Coordinate, guide, and mediate (e.g. social dialogue)
- Expand monitoring and supervisory competences
- Put athletes’ rights at the centre of national elite sport development
- Incentivise policy reforms and improvements
- Foster institutional support and recognition of emerging actors
- Consider expanding employment opportunities for athletes

NATIONAL OLYMPIC COMMITTEES

Roles and Responsibilities

- Gatekeepers btw. Olympic athletes and the IOC
- “Implementers” of IOC policies
- Caregivers
- Key coordinator of national elite sport systems and strategic policy development
- Advocates of Olympic sports
- Lobbyists for Olympic elite sport funding

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NOCs

Recommendations

- Increase transparency
- Use existing opportunities and take a leading role:
 - expand support structures
 - remove disproportionate restrictions to athletes’ commercial and occupational freedoms
 - create and promote fora for collective and independent negotiations and social *dialogue*

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NOCs

Recommendations

- Critically reconsider:
 - the role of **Athletes’ Commissions**
 - the **inclusion** of athlete representatives in **decision-making**
 - **athlete-centred key policies**
- Employ athletes for the period of the **Olympic Games** and other international-level events
- Recognise and work together with **independent athletes’ organisations**

NATIONAL FEDERATIONS

Roles and Responsibilities

- Gatekeepers
- “Implementers” of IF policies
- Caregivers
- Developers and advocates for their sports (discipline)
- Lobbyists for elite sport funding

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- “Implementers” of IF policies
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NFs

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- Use existing opportunities and take a leading role:
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 - remove disproportionate restrictions to athletes’ commercial and occupational freedoms
 - create and promote fora for collective and independent negotiations and social *dialogue*

Roles and Responsibilities

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 - the role of **Athletes’ Commissions;**
 - the **inclusion** of athlete representatives in **decision-making**
 - **athlete-centred key policies**
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- Recognise and work together with independent athletes’ organisations

PUBLIC AUTHORITIES*

Roles and Responsibilities

- Primary employer and caregiver of Olympic elite athletes in Europe
- Institutional supporter of elite sport development

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- Primary employer and caregiver of Olympic elite athletes in Europe
- Institutional supporter of elite sport development

Recommendations

- Identify and address possible shortcomings as regards statutory provisions that shall apply to athletes employed by them:
 - minimum wage levels
 - standards of OSH
 - social protection, etc.
- Examine whether applicable statutory provisions adequately account for the particular needs of Olympic elite athletes

SPECIFIC ELITE SPORT ORGANISATIONS

Roles and Responsibilities

- “Empowerer” and advocate for athletes
- Employer of Olympic elite athletes
- Distributor of funding
- Educator

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Recommendations

- **(1) *public or public-private entities* > establish comprehensive policies for athletes’ welfare**
- **(2) *private entities* > identify possible shortcomings > specific support policies and measures**
- **Engage in multi-stakeholder dialogue and increase mutual exchange and cooperation with other key actors of the elite sport system**

INDEPENDENT ATHLETES' ORGANISATIONS

Roles and Responsibilities

- Countervailing power
- Advocate and collective voice of athletes
- Service provider to athletes they represent
- Caregiver and point of contact for individual athletes
- Provocateur/agenda-setters (“change agents”)

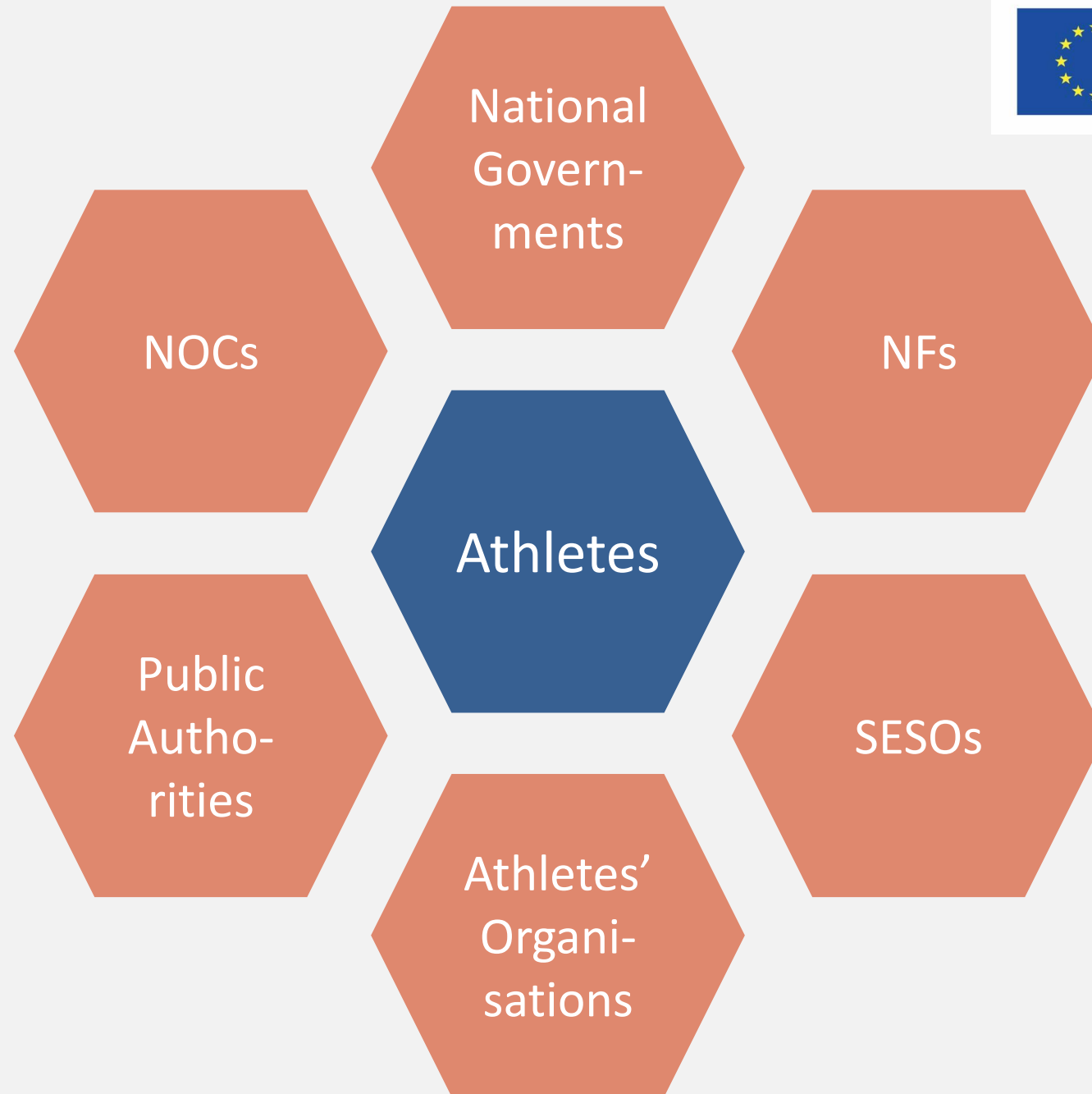
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Recommendations

- Extend their reach, visibility, and democratic legitimacy
- Enhance operational capacity
- Intensify regular exchange between their representatives and active athletes (members)
- Increase mutual exchange and cooperation with other independent athletes’ organisations
- Engage in multi-stakeholder dialogue
- Strengthen ties with actors of the national sport system and national governments



Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

PANEL 1: NATIONAL STAKEHOLDERS

Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

***Key Stakeholders (International Level):
Roles and Responsibilities > Recommendations***

8 Analytical Theses

- **Thesis 1:** The elite performance of athletes in Olympic sports produces economic gain and is the reason for the spending of substantial amounts of public money.
- **Thesis 2:** Olympic elite athletes provide their services in an environment of subordination.
- **Thesis 3:** SGBs have a significant degree of control over the career of Olympic elite athletes.
- **Thesis 4:** The situation of athletes' employment and social relations can be precarious.

8 Analytical Theses

- **Thesis 5:** Good Governance in Olympic elite sport requires a systemic approach that places athletes' rights at its centre.
- **Thesis 6:** Athletes' employment relations rights can be fulfilled through different ways; while worker status is preferable, the actual practice (of the involved stakeholders) is important.
- **Thesis 7:** Contracts, social dialogue and collective bargaining are important tools of Good Governance in athletes' employment relations.
- **Thesis 8:** Interaction and coordination between the national and trans-/supranational levels remain a key challenge for effective athlete-centred policies.

Summary – Analytical Findings

- **NATIONAL LEVEL is key!**
 - **Employment** matters → positive effects on many dimensions
 - **Nationality** matters → large varieties among countries social and welfare systems (limited Europeanisation)
 - Several “**blind-spots**” (**precarity across GG dimensions**)
 - **Different solutions** to fulfil athlete rights (GG Principles)
- **INTERNATIONAL LEVEL is gaining more importance!**
 - “**Horizontal**” coordination between **private and public levels** (e.g. IOC ↔ ILO)
 - “**Vertical**” coordination and harmonisation through non-binding instruments
 - **Power asymmetries** persist (SGBs ↔ athletes; ISGBs ↔ IOs)

INTERNATIONAL FEDERATIONS

Roles and Responsibilities

- Governors of “their” sports (discipline)
- Harmonisers
- Economic actors
- Funders
- Caregivers

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- Governors of “their” sports (discipline)
- Harmonisers
- Economic actors
- Funders
- Caregivers

Recommendations

- Use their platform and political power to promote athletes’ rights and welfare
- Monitor and steer their member federations
- Acknowledge that athletes contribute to considerable economic gain
- Develop mechanisms to ensure an equitable share of revenues for athletes
- Examine the dependencies they create for elite athletes
- Engage with athletes who have chosen to organise in independent athletes’ organisations

Roles and Responsibilities

- Global regulator and rule-setter
- Authority over NOCs, IFs, NFs
- Universalist actor
- Economic powerhouse
- Political powerhouse

IOC

Roles and Responsibilities

- Global Regulator and Rule-setter
- Authority over NOCs, IFs, NFs
- Universalist actor
- Economic powerhouse
- Political powerhouse

Recommendations

- Uses its platform and political power to promote athletes' rights and welfare
- Monitors and steers recognised NOCs and IFs
- Acknowledges that athletes contribute to considerable economic gain
- Reconsiders the distribution mechanisms underpinning the solidarity model aimed at providing Olympic athletes with an equitable share
- Recognises the dependencies it creates for Olympic athletes
- Engages with athletes that have chosen to organise in independent athletes' organisations

EUROPEAN UNION

Roles and Responsibilities

- Legislator & adjudicator
- Agenda-setter, coordinator and networker
- Normative power
- Driving force of social dialogue

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Recommendations

- Clarifies the legal status of Olympic elite athletes
- Widens its understanding and concept of **Good Governance in elite sport > athlete rights at the centre**
- Examines the extent to which key characteristics of the **European Model of Sport** are in accordance with **universally applicable athletes' rights**

EUROPEAN UNION

Roles and Responsibilities

- Legislator & adjudicator
- Agenda-setter, coordinator and networker
- Normative power
- Driving force of social dialogue

Recommendations

- Expands fora for multi-stakeholder dialogue:
 - active promotion of EU level social dialogue
 - a (sectoral) social dialogue committee for the governance of Olympic elite sports
 - a high-level expert group
- Holds sport organisations and national governments accountable for implementing and enforcing measures that fulfil athletes' rights (*conditional autonomy*)
- Investigates and clarifies whether the current instruments need to be adjusted and/or competences shifted

Roles and Responsibilities

- Multilateral networker
- Universalist
- Normative power
- Knowledge-raiser and researcher

ILO

Recommendations

Roles and Responsibilities

- Multilateral networker
- Universalist
- Normative power
- Knowledge-raiser and researcher

- Strengthens its ties and cooperation with the IOC & IFs
- Supports the establishment of independent athletes' organisations on a transnational level
- Develops fora for multi-stakeholder dialogue
 - examines its potential role to support the establishment of a **sectoral social dialogue committee**
 - contributes to the **identification and empowerment of social partners**
- Considers the adoption of (new) legal instruments



Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe

PANEL 2: EUROPEAN & INTERNATIONAL STAKEHOLDERS

2021-2022: *EMPLOYS* – Understanding, Evaluating and Improving Good Governance in the Employment Relation of Athletes in Olympic Sports in Europe



2023-2025: *SOPROS* – Assessing, Evaluating, and Implementing Athletes’ Social Protection in Olympic Sports



Deutsche
Sporthochschule Köln
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EUROPEAN
OLYMPIC ACADEMIES



International
Labour
Organization

Edge Hill
University

INSTITUTE
for Sport Governance

EU Athletes

EASE
European Association of Sport Employers



Contract

- Principle 1: Written contract
- Principle 2: Minimum contractual requirements
- Principle 3: Evaluation of contract status
- Principle 4: Eligibility criteria of contracts
- Principle 5: Collective and independent negotiation of standard contracts
- Principle 6: Implementation of CBA provisions

Income

- Principle 7: Non-discrimination
- Principle 8: Adequate minimum income
- Principle 9: Eligibility criteria of income schemes
- Principle 10: Predictable and transparent income
- Principle 11: Regularity and periodicity of payments
- Principle 12: Collective and independent negotiation of income schemes

Commercial Opportunities

Principle 13: Commercial freedom and freedom of occupation
Principle 14: Name, image, likeness rights usage and profits
Principle 15: Support structures and policies

Occupational Safety & Health

Principle 16: Healthy and safe work environment
Principle 17: Statutory minimum coverage
Principle 18: Exemption from financial costs
Principle 19: Specific private measures

Social Protection

Principle 20: Cover and payment of statutory social protection contributions

Principle 21: Specific private social protection measures

Participation & Bargaining

Principle 22: Participation in governance

Principle 23: Representativeness

Principle 24: Recognition and effective involvement

Principle 25: Independent union / association representation

Principle 26: Recognition of athlete organisations, social dialogue and collective bargaining

Principle 27: Independent negotiations and collective agreements