

Contents

1	Introduction	1
1.1	Introduction	1
1.2	The Legal Status of an Athlete	3
1.3	The Special Nature of an Employment Contract	4
1.4	Employment and Labour Relations Law	7
1.5	Economic Characteristics of a Team Sports Competition	9
1.6	Regulation of Sport	12
1.7	Conclusion	15
	References	17
2	History of Labour Relations and Working Conditions in the Premier League, NBA and Rugby Union	19
2.1	Introduction	19
2.2	Premier League Football	20
2.3	National Basketball Association	35
2.4	International Rugby Union	42
2.5	Conclusion	50
	References	51
3	Organization and Regulation of the Premier League, NBA and Rugby Union	53
3.1	Introduction	54
3.2	Premier League	54
3.2.1	Premier League Clubs	57
3.2.2	Competition Format	58
3.2.3	Football League	58
3.2.4	Players and the Professional Footballers' Association	59
3.2.5	Regulatory Framework	61
3.3	National Basketball Association	68
3.3.1	The NBA	69
3.3.2	NBA Commissioner	71
3.3.3	NBA Teams	72

3.3.4	Competition Format	73
3.3.5	Players and the National Basketball Players' Association	74
3.3.6	Fédération Internationale de Basketball and USA Basketball	75
3.4	Rugby Union at an International Level	76
3.4.1	World Rugby	76
3.4.2	National Federations	81
3.4.3	Rugby Union Players and the International Rugby Players' Association	83
3.5	Conclusion	84
	References	85
4	Employment and Labour Relations Law in the United Kingdom and Professional Sport	87
4.1	Introduction	88
4.2	The Employment Contract	89
4.2.1	Concept of Worker	91
4.3	Labour Relations Law	94
4.3.1	Trade Union and Labour Relations (Consolidation) Act 1992	95
4.4	Common Law Doctrine of Restraint of Trade	104
4.5	Conclusion	111
	References	112
5	Free Movement of Athletes in the Sports Industry	115
5.1	Introduction	116
5.2	Free Movement of Workers	118
5.2.1	Direct Discrimination, Indirect Discrimination and Non-discriminatory Measures/Obstacles to Free Movement	120
5.2.2	Justification	120
5.2.3	Freedom of Movement in the Sports Industry	121
5.3	Free Movement of the Self-employed	129
5.3.1	Direct Discrimination, Indirect Discrimination and Non-discriminatory Measures/Obstacles and Justifications	130
5.3.2	Freedom to Provide Services in the Sports Industry	131
5.4	Conclusion	134
	References	135
6	Labour Relations Law at a European Level and Professional Sport	137
6.1	Introduction	138
6.2	Internal Market Law and Trade Union Activities	139

6.2.1	European Competition Law v Collective Agreements . . .	141
6.2.2	Strike Action v Fundamental Freedoms	149
6.3	Social Dialogue	154
6.3.1	Sectoral Social Dialogue Committee for Professional Football	157
6.3.2	Sectoral Social Dialogue Committee in Sport and Active Leisure	161
6.4	European Convention on Human Rights	163
6.5	Conclusion	165
	References	166
7	Federal Labour Law in the USA and Professional Sport	169
7.1	Introduction	170
7.2	National Labor Relations Act of 1935	171
7.2.1	Recognition, Collective Bargaining and Decertification	172
7.2.2	Unfair Labour Practices, Right to Strike and Industrial Action	175
7.3	Statutory and Non-statutory Labour Exemptions	178
7.4	Antitrust Law	185
7.4.1	Contract, Combination or Conspiracy	186
7.4.2	Unreasonably Restrains Trade	189
7.4.3	Exemption for the Business of Baseball	192
7.4.4	Antitrust Cases and Professional Players	193
7.5	Commissioner's Power	195
7.5.1	Federal Labour Law and Collective Bargaining	195
7.5.2	Exceeding Authority, Bad Faith and Procedural Unfairness	197
7.6	Conclusion	200
	References	201
8	The Premier League	203
8.1	Introduction	204
8.2	Role of Collective Bargaining	204
8.2.1	The Professional Football Negotiating and Consultative Committee	206
8.2.2	Bargaining Issues	207
8.2.3	Collective Agreements	208
8.2.4	Football Association Role	208
8.2.5	Trade Disputes	209
8.3	Standard Players' Contract	210
8.4	Wage Regulation	214
8.4.1	Short Term Cost Control Rules	216
8.5	Movement of Players	220
8.5.1	FA Rules: Registration and Transfer	221

8.5.2	Premier League Rules: Registration and Transfer	222
8.5.3	Transfer Fees	223
8.5.4	International Transfer System	224
8.6	Eligibility	227
8.6.1	National Immigration Law	229
8.6.2	Squad List System: Home Grown Players	230
8.7	Intellectual Property	234
8.7.1	Standard Players' Contract	235
8.7.2	Image Rights Contract	236
8.8	Conclusion	237
	References	239
9	The National Basketball Association	241
9.1	Introduction	242
9.2	Role of Collective Bargaining	242
9.2.1	Collective Agreement	243
9.2.2	Bargaining Issues and Trade Disputes	244
9.3	Uniform Players' Contract	245
9.4	Wage Regulation	246
9.5	Movement of Players	250
9.6	Eligibility	253
9.6.1	The Draft	254
9.6.2	International Transfer Rules	258
9.7	Intellectual Property	259
9.8	Conclusion	261
	References	262
10	International Rugby Union	265
10.1	Introduction	266
10.2	Role of Collective Bargaining	267
10.2.1	Consultation, Issues of Concern and Trade Disputes	270
10.2.2	The Rugby Athlete's Commission	273
10.3	RWC Participation Agreement	274
10.4	Wage Regulation	276
10.5	Movement of Players	276
10.6	Eligibility	278
10.7	Intellectual Property	285
10.8	Conclusion	286
	References	287
11	Decision-Making in a Professional Team Sports Competition	289
11.1	Introduction	290
11.2	Organization of the Premier League, the NBA and Rugby Union	292
11.3	Employment Arrangements	294
11.3.1	NBA	294

Contents	xv
11.3.2 Premier League	296
11.3.3 International Rugby Union.	300
11.4 Decision-Making in Professional Sport	302
11.4.1 National Leagues	302
11.4.2 Competitions Organized at an International Level.	309
11.5 Conclusion	313
References.	314
Glossary of Acronyms and Terms	317
Index.	323