

Understanding the Employment Relations of Athletes in Olympic Sports in Europe: Fact Report

Mittag, Jürgen; Seltmann, Maximilian; Fiege, Lorenz; O'Leary, Leanne; Zembura, Pawel; Haas, Luiz; Santos, Thiago; Smokvina, Vanja

Authored book / Autorska knjiga

Publication status / Verzija rada: **Published version / Objavljena verzija rada (izdavačev PDF)**

Publication year / Godina izdavanja: **2022**

Permanent link / Trajna poveznica: <https://urn.nsk.hr/urn:nbn:hr:118:866231>

Rights / Prava: [In copyright](#)/[Zaštićeno autorskim pravom.](#)

Download date / Datum preuzimanja: **2025-03-11**

PRAVI

Pravni fakultet Faculty of Law



Sveučilište u Rijeci
University of Rijeka

Repository / Repozitorij:

[Repository of the University of Rijeka, Faculty of Law](#)
[- Repository University of Rijeka, Faculty of Law](#)

uniri DIGITALNA
KNJIŽNICA


DIGITALNI AKADEMSKI ARHIVI I REPOZITORIJI



FACT REPORT

UNDERSTANDING THE EMPLOYMENT RELATIONS OF ATHLETES IN OLYMPIC SPORTS IN EUROPE

Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege,
Leanne O'Leary,
Pawel Zembura,
Luiz Haas, Thiago Santos,
Vanja Smokvina

Interim Version 1.1 (April 2022)



Co-funded by the
Erasmus+ Programme
of the European Union

Understanding the Employment Relations of Athletes in Olympic Sports in Europe (Fact Report)

Authors

Jürgen Mittag (German Sport University Cologne, Germany)

Maximilian Seltmann (German Sport University Cologne, Germany)

Lorenz Fiege (German Sport University Cologne, Germany)

Leanne O'Leary (Edge Hill University, UK)

Pawel Zembura (Institute for Sport Governance, Poland)

Luiz Haas (Universidade Europeia, Portugal)

Thiago Santos (Universidade Europeia, Portugal)

Vanja Smokvina (University of Rijeka, Faculty of Law, Croatia)



Sveučilište u Rijeci
University of Rijeka



Rijeka, 2022

UNIVERSITY OF RIJEKA, FACULTY OF LAW
Sports Law, Sports Policies and Sports Diplomacy Centre
&
European Documentation Centre Rijeka

Understanding the Employment Relations of Athletes in Olympic Sports in Europe (Fact Report)

Published by
University of Rijeka, Faculty of Law, Hahlić 6
HR-51000 Rijeka, Croatia

For the Publisher
Professor Vesna Crnić-Grotić, Dean

Published: April 2022

ISBN (e-book): 978-953-8034-42-8

This project has been funded with support from the European Commission. This publication reflects the views only of the authors (the research team) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

© 2022. Authors are indicated in this book. Copying is permitted only for non-commercial purposes provided that the source is cited. Authors are responsible for the report or part of the report and the publisher assumes no liability for any use of the contents or violations of third-party rights. This book is published within the Erasmus +, Sport – Collaborative Partnership Project “*Understanding, Evaluating, and Improving Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe – EMPLOYS*”, No. 622796-EPP-1-2020-1-DE-SPO-SCP, in the English language and available for downloading at the Project website <https://www.dshs-koeln.de/iesf/employs>.

Table of Contents

| | | |
|--------|---|----|
| 0. | Executive Summary <i>Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege</i> | 8 |
| 0.1. | Preface and Approach of the Study..... | 8 |
| 0.2. | Key Findings..... | 9 |
| 0.2.1. | Multi-layered Influencing Factors | 9 |
| 0.2.2. | Legal Status of Athletes in Olympic Sports in Europe..... | 10 |
| 0.2.3. | Contractual Relationships and Income..... | 11 |
| 0.2.4. | Sponsorship, Self-Marketing and Additional Work | 12 |
| 0.2.5. | Occupational Safety and Health and Social Protection | 13 |
| 0.2.6. | Participation and Bargaining | 14 |
| 0.3. | Analytical Perspectives and Outlook | 16 |
| 1. | Introduction <i>Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege</i> | 18 |
| 1.1. | Rationale, Background and Relevance of the Topic | 18 |
| 1.2. | The EMPLOYS Project | 20 |
| 1.2.1. | Project Goals and Target Groups | 21 |
| 1.2.2. | Project Team and Project Methodology | 22 |
| 1.2.3. | Events, Deliverables and Intended Outcomes | 24 |
| 1.3. | Concepts, Methodology and Structure of the Study | 25 |
| 1.3.1. | Employment Relations of Athletes in Olympic Sport | 25 |
| 1.3.2. | Good Governance | 26 |
| 1.3.3. | Methodology..... | 28 |
| 1.4. | Introduction to the Regional Summaries..... | 32 |
| | Literature Chapter 1 | 37 |
| 2. | Northern Europe <i>Leanne O’Leary</i> | 40 |
| 2.1. | Background: National Sport Systems | 40 |
| 2.2. | Background: National Employment Relations and Welfare Regimes | 45 |
| 2.3. | Legal Status of Athletes in Olympic Sport..... | 50 |
| 2.4. | The Role of the National Olympic Committee | 54 |

| | | |
|-------|--|-----|
| 2.5. | The Role of the National Athletics Federation..... | 57 |
| 2.6. | The Role of Public Authorities Without a Generic Focus on Elite Sport | 60 |
| 2.7. | The Role of Specific Elite Sport Organisations | 62 |
| 2.8. | Sponsorship, Self-Marketing and Additional Work..... | 66 |
| 2.9. | Occupational Safety and Health | 69 |
| 2.10. | Social Protection | 73 |
| 2.11. | Participation and Bargaining | 76 |
| 2.12. | Specificities, Current Conflicts and Issues | 78 |
| | Literature Chapter 2 | 80 |
| 3. | Central Europe <i>Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege</i> | 81 |
| 3.1. | Background: National Sport Systems | 81 |
| 3.2. | Background: National Employment Relations and Welfare Regimes | 83 |
| 3.3. | Legal Status of Athletes in Olympic Sport..... | 84 |
| 3.4. | The Role of the National Olympic Committee | 87 |
| 3.5. | The Role of the National Athletics Federation..... | 89 |
| 3.6. | The Role of Public Authorities without a Generic Focus on Elite Sport..... | 91 |
| 3.7. | The Role of Specific Elite Sport Organisations | 94 |
| 3.8. | Sponsorship, Self-Marketing and Additional Work..... | 97 |
| 3.9. | Occupational Safety and Health | 100 |
| 3.10. | Social Protection | 104 |
| 3.11. | Participation and Bargaining | 108 |
| 3.12. | Specificities, Current Conflicts and Issues | 109 |
| | Literature Chapter 3 | 110 |
| 4. | Eastern Europe <i>Pawel Zembura</i> | 111 |
| 4.1. | Background: National Sport Systems | 111 |
| 4.2. | Background: National Employment Relations and Welfare Regimes | 113 |
| 4.3. | Legal Status of Athletes in Olympic Sport..... | 114 |
| 4.4. | The Role of the National Olympic Committee | 115 |
| 4.5. | The Role of the National Athletics Federation..... | 117 |

| | | |
|-------|---|-----|
| 4.6. | The Role of Public Authorities Without a Generic Focus on Elite Sport | 119 |
| 4.7. | The Role of Specific Elite Sport Organisations | 121 |
| 4.8. | Sponsorship, Self-Marketing and Additional Work..... | 122 |
| 4.9. | Occupational Safety and Health | 123 |
| 4.10. | Social Protection | 125 |
| 4.11. | Participation and Bargaining | 127 |
| 4.12. | Specificities, Current Conflicts and Issues | 128 |
| | Literature Chapter 4 | 130 |
| 5. | South-Western Europe <i>Luiz Haas, Thiago Santos</i> | 131 |
| 5.1. | Background National Sport Systems | 131 |
| 5.2. | Background: National Employment Relations and Welfare Regimes | 132 |
| 5.3. | Legal Status of Athletes in Olympic Sport..... | 135 |
| 5.4. | The Role of the National Olympic Committee | 138 |
| 5.5. | The Role of the National Athletics Federation..... | 140 |
| 5.6. | The Role of Public Authorities Without a Generic Focus on Elite Sport | 141 |
| 5.7. | The Role of Specific Elite Sport Organisations | 142 |
| 5.8. | Sponsorship, Self-Marketing and Additional Work..... | 144 |
| 5.9. | Occupational Safety and Health | 145 |
| 5.10. | Social Protection | 147 |
| 5.11. | Participation and Bargaining | 149 |
| 5.12. | Specificities, Current Conflicts and Issues | 150 |
| | Literature Chapter 5 | 152 |
| 6. | South-Eastern Europe <i>Vanja Smokvina</i> | 153 |
| 6.1. | Background: National Sport Systems | 153 |
| 6.2. | Background: National Employment Relations and Welfare Regimes | 155 |
| 6.3. | Legal Status of Athletes in Olympic Sport..... | 159 |
| 6.4. | The Role of the National Olympic Committee | 162 |
| 6.5. | The Role of the National Athletics Federation..... | 165 |
| 6.6. | The Role of Public Authorities Without a Generic Focus on Elite Sport | 168 |

| | | |
|-------|--|-----|
| 6.7. | The Role of Specific Elite Sport Organisations | 169 |
| 6.8. | Sponsorship, Self-Marketing and Additional Work..... | 170 |
| 6.9. | Occupational Safety and Health | 172 |
| 6.10. | Social Protection | 176 |
| 6.11. | Participation and Bargaining | 178 |
| 6.12. | Specificities, Current Conflicts and Issues | 179 |
| | Literature Chapter 6 | 181 |
| | Annex 1: Expert Questionnaire for Country Fact Sheets..... | 182 |
| | Annex 2: List of National Experts | 198 |

List of Figures

| | |
|---|-----|
| Figure 1.1: EMPLOYS Multiplier Sport Events | 24 |
| Figure 1.2: Data sources and structure of the report..... | 31 |
| Figure 1.3: Regions of the Regional Summaries | 32 |
| Figure 2.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Northern European region. | 54 |
| Figure 2.2: Contractual relationships and direct income of athletes from the NOCs of the Northern European region. | 56 |
| Figure 2.3: Contractual relationships and direct income of athletes from the National Athletics Federations of the Central European region. | 60 |
| Figure 2.4: Contractual relationships and direct income of athletes from public authorities without a generic focus on elite sport of the Northern European region..... | 62 |
| Figure 2.5: Contractual relationships and direct income of athletes from specific elite sport organisations of the Northern European region..... | 66 |
| Figure 3.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Central European region. | 87 |
| Figure 3.2: Contractual relationships and direct income of athletes from the NOCs of the Central European region. | 89 |
| Figure 3.3: Contractual relationships and direct income of athletes from the National Athletics Federations of the Central European region. | 91 |
| Figure 3.4: Contractual relationships and direct income of athletes from public authorities without a generic focus on elite sport of the Central European region. | 94 |
| Figure 3.5: Contractual relationships and direct income of athletes from specific elite sport organisations of the Central European region. | 97 |
| Figure 4.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Eastern European region. | 114 |
| Figure 4.2: Contractual relationships and direct income of athletes from the NOCs of the Eastern European region. | 117 |
| Figure 4.3: Contractual relationships and direct income of athletes from the National Athletics Federations of the Eastern European region..... | 119 |
| Figure 4.4: Contractual relationships and direct income of athletes from public authorities without a generic focus on elite sport of the Eastern European region. | 120 |
| Figure 4.5: Contractual relationships and direct income of athletes from specific elite sport organisations of the Eastern European region..... | 122 |
| Figure 5.1: Legislation and court cases on the legal status of athletes in Olympic sports in the South-western European region. | 138 |
| Figure 5.2: Contractual relationships and direct income of athletes from the NOCs of the South-western European region. | 140 |
| Figure 5.3: Contractual relationships and direct income of athletes from the National Athletics Federations of the South-western European region..... | 141 |

Figure 5.4: Contractual relationships and direct income of athletes from public authorities without a generic focus on elite sport of the South-western European region. 142

Figure 5.5: Contractual relationships and direct income of athletes from specific elite sport organisations of the South-western European region..... 144

Figure 6.1: Legislation and court cases on the legal status of athletes in Olympic sports in the South-eastern European region. 161

Figure 6.2: Contractual relationships and direct income of athletes from the NOCs of the South-eastern European region. 164

Figure 6.3: Contractual relationships and direct income of athletes from the National Athletics Federations of the South-eastern European region. 167

Figure 6.4: Contractual relationships and direct income of athletes from public authorities without a generic focus on elite sport of the South-eastern European region. 169

Figure 6.5: Contractual relationships and direct income of athletes from specific elite sport organisations of the South-eastern European region. 170

List of Tables

| | |
|---|-----|
| Table 1.1: EMPLOYS Target Groups..... | 22 |
| Table 1.2: EMPLOYS Academic Partners and Responsibilities. | 23 |
| Table 1.3: EMPLOYS Practice-oriented Partners and Responsibilities..... | 24 |
| Table 2.1: Potential employment relationships of athletes in the Northern European region. | 53 |
| Table 2.2: Grant allocation of the Finnish Ministry of Education and Culture. | 64 |
| Table 2.3: Occupational safety and health provisions for athletes in the Northern European region. | 72 |
| Table 3.1: Potential employment relationships of athletes in the Central European region..... | 85 |
| Table 3.2: Occupational safety and health provisions for athletes in the Central European region. | 103 |
| Table 3.3: Social protection provisions for athletes in the Central European region. | 107 |
| Table 4.1: Potential employment relationships of athletes in the Eastern European region. | 115 |
| Table 4.2: Occupational safety and health provisions for athletes in the Eastern European region..... | 124 |
| Table 4.3: Social protection provisions for athletes in the Eastern European region. | 126 |
| Table 5.1: Potential employment relationships of athletes in the South-western European region. | 137 |
| Table 5.2: Occupational safety and health provisions for athletes in the South-western European region..... | 146 |
| Table 5.3: Social protection provisions for athletes in the South-western European region. | 148 |
| Table 6.1: Potential employment relationships of athletes in the South-eastern European region. | 161 |
| Table 6.2: Occupational safety and health provisions for athletes in the South-eastern European region..... | 175 |
| Table 6.3: Social protection provisions for athletes in the South-eastern European region. | 177 |

0. Executive Summary

Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege

0.1. Preface and Approach of the Study

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 are hardly any information and studies available on the employment relations in the specific area of sport governance. This is even more the case in so-called Olympic sports that are organised outside of professional leagues and where athletes only rarely have an employment contract with a club.

Against the backdrop of various approaches to sport governance on the national level and an increasing number of conflicts between athletes and sport governing bodies, this Fact Report provides unique data on the employment and social relations of athletes in Olympic sports in **29 European** countries (27 EU members + Norway + UK). Data were gathered by national experts of the 29 countries and presented in five Regional Summaries (Northern, Central, Eastern, South-Western and South-Eastern Europe). The findings of the report serve as a sound basis for engagement with and discussion among the different stakeholder groups on the international, continental, national and regional level.

As a result, the project team first looked more closely at the fields of enquiry and categories of employment relations in the specific context of sport and developed a research tool (January to April 2021). Adding to that, the large number of countries, the different approaches to sport governance and policy as well as the short time span of the data collection period (from April 2021 to August 2021) yield that the findings presented in this Fact Report are **interim**. The data and findings will be updated over the course of the project period (until December 2022).

First and foremost, the findings shall speak to the approximate number of 25.000 athletes in Olympic sports in Europe. This number includes participants in the last two Olympic Games (winter 2018 and summer 2021) and, where such data are available, athletes of a national elite sport or cadre system. While amateurism is the predominant notion regarding the status of these athletes, this report starts with the assumption that, in fact, reliable and comparative data are necessary to understand, evaluate and improve good governance in the employment relations of athletes in Olympic sports.

Because of the large number of countries included in the study, the level of abstraction of data is rather high. Four types of organisations of the elite sport system were identified in the pilot phase of the project that play a role in shaping the employment relations of athletes in Olympic sports. Not only **national legislation** and **court decisions**, but also **policies**, **regulations** and **practices** of these four actors are analysed. The organisations include the **National Olympic Committee**, the **national federation governing the sport of athletics**, **public authorities / state entities without a generic focus on elite sport**

(e.g. the armed forces or the police) and **specific elite sport organisations** (public, private or intermediate).¹

0.2. Key Findings

0.2.1. Multi-layered Influencing Factors

1) The **framework of the national welfare and social systems**, as they present themselves in the individual countries of the EU, mark the fundamental background of this field. From an external perspective and compared to other regions of the world, the central feature of the European Union is the high level of welfare and social benefits. From an internal perspective, however, a high degree of plurality can be discerned, revealing significant differences between EU member states. This central characteristic – unity and diversity – also strongly characterises sport-related employment and social relations in the countries of the European Union. In recent decades, an attempt has been made to systematise this specific European diversity of welfare states through typological approaches. The most important contribution is the typology developed by Esping-Andersen’s “The Three Worlds of Welfare Capitalism” (1990), which distinguishes between social-democratic, liberal and conservative welfare states. Subsequently, this approach has been further developed in many ways, but the basic ideas have been retained.

2) The **differences of the individual sport systems** in the EU member states have as well an impact on the employment relations in sport: Just as the political systems in Europe differ, so do the sport polity and policy structures in Europe. Around the two core areas of politics / state and sport / association, highly diverse constellations of actors and divergent forms of influence can be identified. A widespread view of the complex network of relations between sport and politics refers to the growing interlocking of state actors and sport-related actors. While in some states of the European Union the relationship between sport and politics is characterised as conflict-driven – be it through the cleavages between state sport policy and the autonomy of sport associations or through the tension between public responsibility and deregulation – other sport systems are characterised by a higher degree of consensus. In sport policy research, it was above all the Vocasport model and its further development by Ian Henry that initiated a fundamental typology, which was subsequently increasingly referred to and which provided the impetus for more far-reaching comparative approaches. The specific sport structures identified on this basis sometimes exert an influence on employment relations in sport in a direct form, but sometimes also in an indirect form.

¹ see Chapter 1.3.3 for more details about the terminology and organisations analysed in the study.

3) The specifics of **sport-related regulations** in the **interplay** of **general labour law** regulations and **individual arrangements** can be considered as the third relevant dimension. Socio-political conflicts of interest in the form of collective bargaining and industrial disputes are among the core areas of industrial relations, which are usually conducted and mostly resolved by trade unions and employers' associations at sectoral level. In elite sport, however, this form of socio-political representation of interests has hardly played a role so far. If one disregards individual groups of players, employment relationships and wage payments to athletes are usually based on specific individual agreements. Other benefits such as sponsorship and support payments also occur with considerable variance. In addition, there is a significant percentage of athletes who pursue competitive sport only as a supplement to their actual livelihood in another professional field. Against this backdrop, collective agreements have hardly been used in sport so far.

Consequently, this executive summary, following the results from the 29 states, pays special attention to this third dimension, but always keeps the fundamental systemic framework in view.

0.2.2. Legal Status of Athletes in Olympic Sports in Europe

Under the general labour law of the European countries, the legal status of athletes heavily depends on the contractual relationship of an athlete with an organisation and the income related to this contract. In accordance with the general principles, decisions on the employment status are usually made on a case-by-case basis. Though very specific and varying characteristics are considered for a legal assessment of the status of an athlete, the income of an athlete plays an important role in any evaluation.

Two general and conceptual distinctions regarding the status of elite athletes can be made: Firstly, the legal status of elite athletes can be determined by a **specific legal act or the case law** of a country. In such instance, all athletes falling under the scope of the applicable legislation are affected and their status is determined. Specific legislation exists in seven of the 29 countries. Exemplarily, in Hungary or Italy specific laws on sport determine the status of athletes in Olympic sports as amateurs as long as no employment contract with sport clubs exists. Relevant cases before national courts have been decided in Austria, Italy, Sweden and the UK. The courts come to very different conclusions regarding the legal status of athletes in the countries. While in the UK the responsible labour tribunal held that the athlete (a cyclist) does not qualify as an employee of the national federation, the Austrian Federal Administrative Court held that the tragic accident of a synchronised swimmer at the European Games 2015 was an occupational accident. In Italy, judgements about the status of athletes in Olympic sports have been decided differently on a case-by-case basis and a Swedish court held that the payments athletes receive are not to be considered as payments for work but as a stipend for tax law purposes.

Secondly, where neither legislation nor court decision exist, the **contractual status** of athletes prevails in an evaluation. Here the data show that different modes exist for athletes to enter into contracts. In some countries, overarching policies exist for athletes qualifying as elite athletes in accordance with the regulations of the NOC or the public authority responsible for elite sport. Contracts are then guaranteed on the basis of a cadre status. This, for example, is the case in Germany where the German Sport Aid Foundation (a specific elite sport organisation) has a contract with all 4000 elite athletes. Much more common, however, are contracts that are granted on a more individual basis under which athletes must fulfil additional conditions. Actual employment contracts with the different actors are usually of such nature.

Various **opportunities for employment** exist but highly depend on the national context: In 17 of the 29 countries, athletes can sign employment contracts on the basis of their sporting achievements and for the purpose of a successful career in sport. The predominant organisation acting as a party to the employment contract is a public authority without a generic focus on elite sport (e.g. the armed forces or the police). Employment by these entities is available to elite athletes in all 17 countries. In Belgium, the Czech Republic and in Slovakia, besides employment by the armed forces, athletes can also find employment with a specific elite sport organisation. In the three countries, these are also public organisations under the auspices of the Ministry responsible for sport.

Contracts with other actors of the elite sport system do not qualify as employment contracts despite some ongoing debates in the present countries. The case of the stipend programme offered by the Dutch NOC*NSF highlights the complex nature of the legal status of elite athletes. Although it is generally not an employment contract, the stipend agreement is considered a labour contract for tax and social security purposes. Athletes holding a public scholarship in Lithuania and Poland find themselves in a similar situation.

0.2.3. Contractual Relationships and Income

Besides the employment contracts mentioned above which also yield a regular salary for athletes, different contracts with the identified organisations of the elite sport system exist.

The role of NOCs can hardly be summarised as athletes in only 13 countries have a general contract with the NOC. The fact that NOCs may assume very different roles in their countries reinforce the differences. For example, in some countries the NOC also acts as umbrella organisation of national federations. A clearer picture can be drawn for the contractual relationship during the Olympic Games as it is common for athletes to sign an agreement with the NOC for the participation in the Olympic Games, not least due to the requirements of the IOC (IOC Conditions for Participation Form). The NOCs of 18 countries offer **direct financial support** to athletes, ranging from prize money to a monthly income, for example in the Netherlands or Estonia.

In the majority of countries, athletes sign **athlete agreements or support contracts** with the national athletics federation. In Norway specifically, elite athletes can receive a stipend through a contract with the national athletics federation. According to the current data, in twelve countries, these contracts also include some form of direct financial support exceeding the payment of expenses for sports-related purposes (e.g. training camps, participation in international competitions). The Austrian athletics federation also offers the opportunity for income, in the form of prize money, without entering into a contractual relationship with athletes.

Public authorities without a generic focus on elite sport play a role in many countries. In 17 countries, athletes can be employed as civil servants – mostly by the armed forces. In each country where public authorities without a generic focus on elite sport play a role, they provide athletes with financial resources – predominantly in the form of regular monthly salaries. Exceptions to this rule are found only in Estonia, where the Ministry of Culture enters into a support agreement with athletes and distributes funding on a project-related basis. In Latvia, besides employment, a scholarship programme is offered, too.

In 18 countries, specific elite sport organisations contribute to shaping the employment relations of athletes in Olympic sports in terms of contracts with and financial support to athletes. Such organisations exist in different forms: Private organisations play a role in Austria, Germany (both private foundations) and Norway (branch of the NOC) but are generally less common in the surveyed countries. Public organisations under the auspices of a national ministry exist in 12 countries. In France, Portugal and Spain, specific elite sport organisations exist in the form of public-private partnership organisations. While the majority of organisations offer financial support or **scholarships** to athletes which do not constitute an employment relationship, the specific elite sport organisations (public) in Belgium, the Czech Republic and Slovakia also employ athletes as civil servants.

0.2.4. Sponsorship, Self-Marketing and Additional Work

Sponsorship deals constitute an important source of income for athletes in Olympic sports, particularly during participation in widely marketed international competitions. Overall, the present analysis demonstrates that athletes' possibilities to enter into personal sponsorship contracts depends largely on their legal status. In this respect, in the case of employee status, athletes' sponsorship deals mostly require consent from the employer, whereas most athletes without such an employment relationship have more freedom in acquiring personal sponsors.

While the gathered data furthermore substantiate the assumption that athletes in Olympic sports are confronted with a variety of rules and regulations restricting their self-marketing and commercial opportunities, particularly during the period of the Olympic Games, various support structures and incentives dedicated to generating additional income for athletes have been established.

First and foremost, **restrictions on self-marketing and commercial opportunities** for athletes are rooted in international regulatory frameworks such as the Olympic Charter (e.g. Rule 40) and athlete agreements (e.g. IOC Conditions for Participation Form) related to participation in the Olympic Games to which both NOCs and athletes must comply as part of the structures of the Olympic movement. Legal disputes and / or court rulings have been held only in a few countries, especially in Germany where the decision of the German Federal Cartel Office (Bundeskartellamt) from 2019 spurred international debate on the context-specific implementation of the IOC's **Rule 40** on the national level which, ultimately, resulted in an amendment of the provisions presented by the IOC Legal Commission in 2019. While athletes have been granted some more leeway in negotiating individual deviations from the rule in cooperation with their NOCs, the present findings underline that the NOCs of the investigated countries – which now assume a greater responsibility in the rule's implementation based on key principles outlined by the IOC – approach the adjusted regulatory framework in different ways.

Incentives for self-marketing and commercial opportunities are provided by the NOC, national athletics federation, public authorities and specific elite sport organisations, ranging from the conduct of educational programmes and career guidance for athletes (e.g. internal courses on entrepreneurship, interview conduct, use of social media, etc.) to financial and legal advice on sponsorship deals. The role of each actor and the scope of their activities highly depend on the national context. Yet, in the present countries, only a lower share of the investigated actors drafts standard / model contracts which athletes might use for sponsorship deals.

Another important concern addressed in the present analysis relates to athletes' opportunities to carry out **additional work**. While athletes' possibilities to pursue additional work also depend on their legal status in most of the countries, primarily for those who are under regular employment with a club or public authority (e.g. armed forces), prior confirmation by the employer is usually required. Yet, in some cases, even the participation in scholarship / stipend programmes may constitute restrictions to additional work as for example in Hungary.

0.2.5. Occupational Safety and Health and Social Protection

Next to matters of wages, **occupational safety and health** is one of the core issues of the traditional study and practice of employment relations. Throughout the surveyed countries a mixture of statutory / legal and private provisions offered by the different actors of the elite sport system is found. Generally, the legal status of an athlete determines whether she or he qualifies for statutory occupational safety and health measures stipulated in national law. In this respect the mentioned employment contracts with public authorities without a generic focus on elite sport or with specific elite sport organisations are beneficial to the athlete. Irrespective of the national framework of labour law, sport-specific legislation that establishes periodical health checks and accident insurance for athletes can furthermore be found

in some countries (e.g. Lithuania and Poland). Private measures and provisions of the NOC, the national athletics federation and specific elite sport organisations which aim to ensure a safe and healthy career of elite athletes complement the statutory framework. These measures may include private accident insurance, medical check-ups and services for the prevention of mental and physical health hazards.

Closely related, yet distinct from safety and health, are measures of **social protection**. The focus of the report, here, is on pension schemes, health care, maternity (paternity) protection and parental leave benefits, occupational disability and loss of income insurances as well as unemployment assistance. While different approaches to social protection of athletes are presented in the investigated countries, again, large differences exist between athletes who have an employment contract and employee status, and those who do not have such a contract. In some countries, sport-related national legislation stipulates specific social protection measures for athletes. Exemplarily, in Luxembourg, the law on sport determines that if the income of an athlete is below the threshold for statutory social protection contribution, the state covers her/his contributions to ensure full protection. In Lithuania, the Netherlands and Poland, the scholarship offered to elite athletes also provides athletes with statutory social protection coverage.

Predominantly in Eastern and South Eastern European countries, specific public pension schemes have been established for elite athletes, mostly for the top athletes who won international medals. Such provisions, however, are a rare exception and athletes without an employment contract usually benefit from private measures of the actors. In some countries, sport governing bodies take a proactive role in supplying social protection measures like health care or maternity protection (e.g. Finland, Ireland). Specific elite sport organisations have joined the playing field in some countries, by providing and promoting selected social protection policies (e.g. Estonia, Germany, United Kingdom). For example, UK Sport guides sports that operate under its funding schemes to adopt an individual pregnancy policy for their athletes. Generally, these measures take on very different forms, vary from country to country and can hardly be summarised. However, most social protection systems rely on a close **cooperation and coordination** between sport governing bodies and public authorities. Exemplarily, since 2020 athletes supported by the German Sport Aid Foundation are entitled to a state grant which finances a private pension scheme. Overall, occupational safety and health as well as social protections of athletes in Olympic sports are highly complex and must be considered in light of the national context.

0.2.6. Participation and Bargaining

The last years have seen an increase in public and academic debate about **participation in decision-making** and **bargaining power** of athletes in Olympic sport. In all 29 countries, **athletes' commissions** exist within the **NOC**. Especially in countries of Eastern Europe, the influence of the IOC's Guidelines to

developing an effective Athletes' Commission becomes visible.² The degree of inclusion of athletes into other decision-making bodies varies. While in many countries athlete representatives also hold a position on the board of the NOC, athletes might also be included in working groups and other commissions. **Athletes' commissions** are less common in **national athletics federations** and exist in 14 countries. In Croatia and Hungary, such commissions will be established within the next years. The data also indicate involvement of athletes in the decision-making structures of public authorities without a generic focus on elite sport and specific elite sport organisations. With respect to both actors, no formal athletes' groups are implemented, but athlete representatives often have a voice through inclusion in working groups or a position on the board.

Trade unions seem to play only a minor role and are not a common actor to represent the interest of athletes in Olympic sports. Unions that specifically represent athletes from Olympic sports are found only in France (L'Union Nationale des Sportifs de Haute Niveau) and in Slovenia (Slovenian Athletes Union). In Norway, Finland and Belgium, athletes in Olympic sports join the trade unions that represent athletes from professional team sports and employees of other sectors respectively. While in some countries, e.g. in Romania and Croatia, athletes would need to have the legal status of employees and a defined number of people holding such status in order to form unions, the reasons for the lack of trade union influence remain, at this stage, unclear and further research into the possibilities of and barriers to trade union formation under international, European and national law is desirable.

According to the current data and the investigated cases, **collective bargaining agreements** do not exist in Olympic sports, not least due to the fact that athletes' commissions generally are not in a position to engage in collective bargaining with the respective sport governing body and athletes' commissions, conceptually, have a consultative role within the organisation.³

However, **independent athlete associations** have been established in some countries. Such organisations exist in Croatia, Denmark, Germany, Lithuania, the Netherlands, Portugal and the United Kingdom. Athlete associations take on different forms and assume different roles. Some of these organisations, among others Athleten Deutschland, can file class action suits on behalf of their members, illustrating the potential of these independent associations compared to athletes' commissions.

Despite this potential avenue for conflict resolution, in the countries investigated, there are only a few reported **conflicts** between elite athletes and the actors of the Olympic Movement. Some of the issues raised pertain to sponsorship contracts and diverging interests between sport governing bodies and

² The „Guide to developing an effective Athletes' Commission can be downloaded from <https://library.olympics.com/Default/doc/SYRACUSE/171481/guide-to-developing-an-effective-athletes-commission-ioc-athletes-commission?_lg=en-GB>, accessed 7 October 2021.

³ the exact status and decision-making competencies (consultative function, voting and/or veto rights) of the investigated athletes' commissions have not yet been analysed conclusively.

individually sponsored athletes (e.g. in Belgium), protests against the short duration of support contracts (e.g. Czech Republic), or a general negligence of the NOC to ensure the protection of athlete rights (e.g. Lithuania). Conflicts between athletes and sport governing bodies have been most visible in Germany where the establishment and solidification of Athleten Deutschland has caused a shift in the power structures within Olympic sports. The athletes' association has frequently addressed governance issues ranging from topics like elite sport funding and social protection to the prevention of physical and mental health hazards.

0.3. Analytical Perspectives and Outlook

In conclusion, some considerations will be made to open the door to further comparative assessments and analysis.

Dynamics: The issue of employment relations in sport shows considerable system dynamics. Sport-related labour relations have not been clarified or adequately regulated either in legal terms or in view of political preferences. Even if the number of open conflicts is still limited, the manifold manifestations with the simultaneous ongoing commercialisation of sport as well as a growing awareness of athletes to socio-political issues point to continuing potential for change.

Institutionalisation: Athletes in Olympic sport no longer see themselves as mere individuals, but have begun – to varying degrees – to organise themselves and express their interests collectively. This feature of increased and heightened sensitivity to labour-related issues is a continuing trend in almost all EU member states. However, the avenues and instruments pursued differ considerably. Even though sports federations are usually the first addressees, in almost all member states the actors' efforts to find an independent approach to collective interest representation are evident.

Limited Europeanisation: In addition to the orientation towards the national sphere of action, there is also an increased focus on transnational representation of interests. The framework conditions of the European Union and the Council of Europe have an important forum function. Even if the increased attention to the European level can be seen as a common feature of the individual member states, this does not result in a uniform reaction pattern with regard to the strategies pursued and instruments used. The member states of the EU have neither merged into a certain type of model nor are there signs of a development in this direction. The extent of adoption of institutional or procedural elements of other member states within the European Union is limited. The potentials for coordination within the European framework are contrasted by different national styles of adaptation and participation. As a result, employment relations in European sport are likely to remain a mixture of different national models.

Minimum standards as a perspective: The results presented here also allow a cautious outlook on future developments. Instead of assuming a simple adaptation strategy or harmonisation in Europe, careful attention must be paid to the respective national framework and contextual conditions of sport, as there is no one successful state and adaptation model that can be described as the “silver bullet”. Nevertheless, one conclusion can be drawn: numerous actors have an interest in implementing certain minimum standards in order to guarantee their athletes an appropriate framework for sport. These minimum standards should include issues of remuneration and contractual stipulations as well as health and social security. In this sense, future developments are likely to be oriented primarily towards safeguarding mechanisms as minimum standards and towards the question how these are to be implemented in view of overarching changes.

Summing up the aspects addressed in this summary, it becomes clear that employment aspects are not only a question of whether there will be a more consensus- or conflict-oriented problem-solving in sport in the future, but above all the question arises as to whether sport follows general socio-political considerations and athletes are to be regarded primarily as workers or employees in the future, or whether certain special features of sport will continue to exist, which, as in the case of sports arbitration, also require a specificity of sport or its own legal framework. This in turn raises more fundamental questions about representation and democracy in sport that hint at the challenges facing sport.

1. Introduction

Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege

1.1. Rationale, Background and Relevance of the Topic

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. This field of activity is generally characterised by collective agreements, but also by actions and disputes between employers and employees and their representative bodies. While employment relations have been researched in detail with regard to the general structure of employer-employee relations, there are hardly any information and studies available for the specific area of employment relations in sport.

Against the backdrop of the large number of people who are active in the sports sector, in view of the considerable share of sport in the gross domestic product, but also in view of the societal relevance and the dynamics of sport, this research gap marks a central desideratum of both social policy and sports academic research. In Europe alone, a share of 800,000 full-time employees in the field of sport is assumed. In view of transnational sport competitions, but also as a result of the growing European common market, employment relations in sport have taken on an increased European impact. In addition to different national standards of policy-making in sport, transnational and supranational developments have to be taken into consideration. According to current studies, sport accounts for 2.12% (€280 billion) of the gross domestic product in the EU (Mittag & Naul 2021, p. 48). Reflective of the high relevance of sports in Europe is an increasing involvement of public actors in sport policy. One of the demands that has been increasingly raised is the expectation that organised sport should meet **good governance** criteria. This is associated with the demand that sport governing bodies orient their statutes and programmes, but also their activities and procedures, to certain ethical standards. At the same time, it is expected that specific norms and standards form the basis of the organisation's management processes.

Within nation states, organised (Olympic) sport represents – depending on the respective national framework – a largely independent, self-governing and non-state sector in which public actors usually intervene to a limited extent. However, since (organised) sport has significantly increased its economic activities since the 1980s, federal and state governments have increasingly challenged the autonomous status of sport. While the sports organisations defend their autonomy and point to the special features of the sports sector, public authorities are exerting more influence on sports bodies. In this respect, sports policy can be described as a continuous development from an almost purely self-governing network to a multi-actor network that reveals fundamental features of governance approaches.

It is widely acknowledged that the professionalisation of sport has caused new challenges and changes to a societal field traditionally shaped by the notion of amateurism, voluntary engagement and prestige. With more money coming into the system and athletes competing on a professional basis, issues found

in classic employment or industrial relations come to the fore also in sports: These include, among others, labour disputes, protests and strikes as well as unionisation (Mittag 2018). Consequentially, the International Labour Organization (ILO) includes “athletes and sport players” in its *International Standard Classification of Occupations* (International Labour Office & International Labour Organization, 2012, p. 210). According to this classification, athletes and sport players “prepare for and compete in sporting events for financial gains [...] They train and compete, either individually or as a part of a team, in their chosen sport”. (ibid., p. 210) Exemplarily, the ILO lists athletes from sports such as boxing, golf and football, but also skiers and wrestlers. In its Issues paper for discussion, the ILO specifies that it understands “a professional athlete” as “an athlete who gains income through competitive sport and whose activities are controlled by a sports organization, such as a club or federation.” (ILO 2019, p. 1) This definition explicitly includes those athletes “whose only professional activity is sport, either as employees or as contract players of sports clubs” and “athletes who may have other jobs but who spend significant time training and competing in sports competitions from which they derive income, such as athletes in some Olympic disciplines.” (ibid., p. 1) With this definition, the ILO **widens the discussion on work-related issues to Olympic sports** which often only take a minor role in both practice and academia.

The scope of this research, therefore, addresses athletes which practice, play and compete in sports which are organised **outside of professional leagues** and where the **Olympic Games constitute the pinnacle of the sporting stage**. Accordingly, the athletes of relevance for this study usually do not have an employment contract with a professional club. Other conceptualisations referring to the athletes of interest, herein referred to as *athletes in Olympic sports*, also use labels such as *semi-professionals*, *elite athletes* or – with the necessary caution towards the label – *amateurs*.

As stated above, academic literature in the field of employment relations in sport is scarce and no data exists on Olympic sports specifically.⁴ Currently, the employment related literature in sport considers Olympic athletes only insofar as they are subject to WADA’s anti-doping regulations (Skinner et al. 2016). All other studies focus on cases of professional team sports in the United States and Australia, and on European football. Very little is known on topics like the employment status and the above labour related issues pointed out by Mittag (2018) in the specific case of Olympic sports outside professional leagues and club competitions. Notwithstanding the role that the ILO plays, predominantly by means of the *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*, and the *Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*, which both apply to professional athletes “regardless of their contractual arrangement or employment status”, the ILO acknowledges that it “has not specifically dealt with conditions of work of athletes” during the Olympic Games and in

⁴ The most comprehensive monograph on the employment relations in professional sports in Europe is Leanne O’Leary’s (2017) comparative study on rugby, football and basketball. The *Research handbook of employment relations in sport*, published by Barry et al. (2016) includes several case studies predominantly from North-America and Australia.

Olympics sports (ILO 2019, p. 25). As a consequence, point 13 of the *Points of consensus* which were drafted at the Global Dialogue Forum on Decent Work in the World of Sport in January 2020, proves to be of specific relevance in Olympic sports:

“13. Lack of cohesive statistical data and comprehensive knowledge on the working conditions, social protection, contractual arrangements and other work-related issues makes it difficult to develop evidence-informed policies and measures addressing decent work deficits among athletes.” (ILO 2020, p. 20)

Organised sport, especially athletes themselves, media and academics, have so far only limited information on the legal framework, actors involved, and the range of established organisations and collective interest groups as well as the diversity of employment forms and contractual regulations in sport. Although reports on the financial situation of competitive athletes and on precarious or atypical employment relationships in professional sports are increasingly found in the media (e.g. FIFPro 2016), there is a **lack of comprehensive overviews and systematic knowledge**. To date, the employment relations of athletes in Olympic sports depict a desideratum in academic literature but are increasingly **gaining momentum in the practice of sport politics**, sport management and sport law.

Besides constant claims of the sport governing bodies that they are not employers of athletes, the employment related situation of Olympic athletes is usually referred to as *dual career*, linking sport with education and vocational training. While this conceptualisation does have its merit, it fails to reflect the current developments in Olympic sports in Europe in some fundamental aspects as it neglects the **legal and socio-political framework** that athletes operate in, both in their **national contexts and the European Union**. This is where this study is anchored. The recent years have shown that issues of employment relations do exist also in Olympic sports (cf. Mittag 2018; Seltsmann 2021): To name but a few, issues of self-marketing related to the infamous Rule 40 of the IOC Charter have been raised by athletes, leading to a loosening of the Rule following a decision of the German Federal Cartel office. Athlete agreements and arbitration clauses binding the athlete to the rules of the sport governing bodies and matters of participation in decision-making have come to the forefront of the discussion in Olympic sports. Additionally, important court decisions initiated by and affecting athletes before national and EU courts further put into question the prevailing practices and require academic analysis.

1.2. The EMPLOYS Project

The project Understanding, Evaluating, and Improving Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe (EMPLOYS) receives financial support from the EU’s Erasmus+ Sport Programme as a Collaborative Partnership (622796-EPP-1-2020-1-DE-SPO-SCP). All information on the project, the outputs as well as the events can be found at the [project website](#) and the [European](#)

[Commission's Erasmus+ Platform](#). The project commenced in January 2021 and will be finalised in December 2022.

1.2.1. Project Goals and Target Groups

The overarching goal of the EMLOYS project is to provide evidence-based information on employment relations in sport for Sport Governing Bodies, national legislators and the European Union, aimed at improving good governance in the employment relations of athletes in Olympic sports in Europe. The project is structured around three specific goals which address the dimensions of *understanding*, *evaluating* and *improving*.

1. With this Fact Report, the project aims at *understanding* the legal and socio-political situation of Olympic athletes in different national contexts of **29 states** (EU member states, the United Kingdom and Norway). Therewith, the report provides the necessary **evidence-base** for the subsequent steps of the project.
2. Building on this research, the project will *evaluate* the current practices in national and EU contexts on the basis of **principles of good governance** in the employment relations of athletes in Olympic sports in Europe. Universally applicable and widely accepted principles of good governance in employment relations must be formulated, against which an assessment of current practices in the national contexts and on the EU-level can take place. This part of the project addresses analytical standards of governance research yet including normative approaches in its outset.
3. The final part of the project aims at *improving* the good governance of the employment relations of Olympic athletes. This refers to the practical policy-making dimension of the project. On the basis of identified best practice examples, **policy-recommendations** will be formulated. These recommendations take into consideration both the national settings and the future role of the European Union in the governance of Olympic sports. Furthermore, options for strengthened and enhanced cooperation between institutions and organisations active in the field of sport will be developed and discussed.

Taken together, these goals provide long-overdue knowledge on the work- and employment-related situation of Olympic athletes. Based on the analytical findings, it is possible to evaluate current practices and to show opportunities and limits within the differing national contexts as well as from the perspective of the EU, thereby informing policy reforms and increasing good governance of employment relations of Olympic athletes. With its three parts, the project applies different focal points of research (analytical-descriptive + normative-prescriptive + practical) and aims at a well-founded and comprehensive improvement of good governance in a problem area which is largely neglected by academics and practitioners alike.

The **target groups** of this project include all institutions involved in the regulation and implementation of employment relations in Olympic sports. These are governments and legislators, sport governing bodies and athletes’ organisations at all geographic and regulatory levels.

Table 1.1: EMPLOYS Target Groups.

| | Governments | Sport Governing Bodies | Athletes’ Organisations |
|------------|--|--|--|
| Global | <ul style="list-style-type: none"> International Labour Organization | <ul style="list-style-type: none"> International Olympic Committee International Sport Federations Event Organisers | <ul style="list-style-type: none"> World Players Association Athletes’ Commissions of IFs and the IOC |
| European | <ul style="list-style-type: none"> European Commission European Parliament EU Council (European) Committee of Regions (European) Economic and Social Committee Council of Europe | <ul style="list-style-type: none"> European Olympic Committees Continental Federations Event Organisers | <ul style="list-style-type: none"> EU Athletes EOC Athletes’ Commission FIFPro (Europe) |
| National | <ul style="list-style-type: none"> National Governments Ministries responsible for Sport | <ul style="list-style-type: none"> National Olympic Committee National Federations | <ul style="list-style-type: none"> National Players’ Associations Athlete Commissions of NFs and NOCs Other interest organisations and NGOs Trade Unions |
| (Regional) | <ul style="list-style-type: none"> Regional Governments and Ministries | <ul style="list-style-type: none"> Regional Sport Confederations Regional Federations | <ul style="list-style-type: none"> Regional offices of sport related interest representation organisations |
| Local | <ul style="list-style-type: none"> Municipalities | <ul style="list-style-type: none"> Municipal Sport Confederations Sport Clubs | n.a. |

The policy recommendations resulting from the project address the Olympic movement in a wide sense, **including all institutions which shape the employment regulations of athletes**. Next to organisations, the project also aims at informing individual athletes about their employment related rights and specific situation. It is expected that athletes will benefit from the outcomes of the project as it gives answers to pressing and important questions for athletes in Olympic sports. Hence, the project also aims at **empowering athletes in Olympic sports**.

1.2.2. Project Team and Project Methodology

The project team consists of members of seven organisations from across Europe. The *academic partners* are members or five research institutes. In addition, representatives of two umbrella organisations of the European sports industry complement the team as *practice-oriented partners*. The consortium is led by **Prof Dr Jürgen Mittag**, Head of the Institute of European Sport Development and

Leisure Studies (IESF) at the German Sport University Cologne. **Maximilian Seltmann**, research associate at the IESF, serves as the project coordinator. **Lorenz Fiege**, Research Associate, completes the research team of the IESF. The academic partners are **Dr Leanne O’Leary** (Edge Hill University/UK), **Associate Professor Dr Vanja Smokvina** (University of Rijeka, Faculty of Law/Croatia), **Dr Thiago Santos and Luiz Haas** (Universidade Europeia/Portugal) and **Dr Pawel Zembura** (Institute for Sport Governance/Poland). On the practical side, **Paulina Tomczyk** represents the European Elite Athletes Association (EU Athletes). The European Olympics Academies are represented by **Prof Dr Manfred Laemmer**.

The academic partners to this collaborative partnership not only have impressive academic credentials, but also a regional network to make possible such a large-scale project. As such, the academic partners are responsible for the work on countries of the following regions:

Table 1.2: EMPLOYS Academic Partners and Responsibilities.

| Partner | Region of responsibility | Countries included |
|---|--------------------------|--|
| German Sport University Cologne Professor Dr Jürgen Mittag (Project Lead) Maximilian Seltmann Expertise: Policy & Governance | Central Europe | <ul style="list-style-type: none"> • Germany • Netherlands • Belgium • Luxemburg • Austria • Hungary |
| Edge Hill University Dr Leanne O’Leary Expertise: Law, Policy & Governance | Northern Europe | <ul style="list-style-type: none"> • United Kingdom • Ireland • Norway • Sweden • Finland • Denmark |
| University of Rijeka Dr Vanja Smokvina Expertise: Law, Policy & Governance | South-eastern Europe | <ul style="list-style-type: none"> • Croatia • Greece • Cyprus • Bulgaria • Romania • Slovenia |
| Universidade Europeia Dr Thiago Santos Luiz Haas Expertise: Governance & Management | South-western Europe | <ul style="list-style-type: none"> • Portugal • Spain • France • Italy • Malta |
| Institute for Sport Governance Dr Pawel Zembura Expertise: Governance & Management | Eastern Europe | <ul style="list-style-type: none"> • Poland • Estonia • Latvia • Lithuania • Czech • Slovakia |

The practice-oriented partners take a key complementary role in ensuring the depth and quality of the academic research. In line with their main expertise, their main responsibility in the project is to ensure an active participation and critical reflection of stakeholders of the target groups.

Table 1.3: EMPLOYS Practice-oriented Partners and Responsibilities.

| Partner | Main Responsibility | Target Groups |
|---|-------------------------|--|
| EU Athletes Paulina Tomczyk (General Secretary) | Stakeholder Involvement | <ul style="list-style-type: none"> • Athletes • Athletes' Organisations • Labour Organisations • EU Institutions • Council of Europe/EPAS |
| European Olympic Academies Prof Dr Manfred Laemmer (President) | Stakeholder Involvement | <ul style="list-style-type: none"> • National Olympic Committees • National Olympic Academies • European Olympic Committees • International Sport Federations • National Sport Federations • EU Institutions • Council of Europe/EPAS |

On the basis of the unique composition of the project team, the project combines **rigorous interdisciplinary academic research** with a **participatory approach**. The stakeholders of the target groups are included at all stages of the project in order to ensure the validity of the data. Several events are organised to foster debate among stakeholders: These so-called **Multiplier Sport Events (MSE)** serve as a platform for debate and exchange and constitute impactful events for policy-change in Olympic sports.

1.2.3. Events, Deliverables and Intended Outcomes

Six of the above-mentioned MSE are scheduled from October 2021 to October 2022. The different events take place at the locations of the academic partners to make sure that the stakeholders of the different regions have equal opportunities to participate in the events.



Figure 1.1: EMPLOYS Multiplier Sport Events.

At the first two MSE, the **Fact Report** will be presented and discussed. All stakeholders are invited to comment on the findings and to engage in a discussion on the implications of the findings. MSE 3 and MSE 4 are explicitly designed to define **principles of good governance** in the employment relations of

athletes in Olympic sport in collaboration with athletes, sport governing bodies and national and international policy-makers and legislators. These will inform the second deliverable of the project, the so-called **Evaluation Report**, later presented and discussed at MSE 5. The results of the extensive discussions, exchange and academic research will inspire concrete **policy recommendations** of the **Final Report**, to be unveiled during a final MSE 6, co-hosted by the European Olympic Committee's EU Office in Brussels.

1.3. Concepts, Methodology and Structure of the Study

1.3.1. Employment Relations of Athletes in Olympic Sport

Due to the above-mentioned characteristics of most Olympic sports, where athletes are usually not considered employees, approaching this field from the perspective of **employment relations (ER)** may be controversial and raises questions regarding some key concepts of the project and the approach and findings of this report. While traditionally employment relations refer to the relationship between an employer and an employee and/or to the relationship between capital and the workforce (cf. Barry et al. 2016; Kaufman 2019), it is widely acknowledged that such conceptualisations neglect the ever-changing landscape of economic activity and work of today's political economy (Gall 2019). As a consequence, the field and study of employment relations "covers a dauntingly large and heterogeneous set of topics" which cannot be conveyed by a single, monistic definition or concept (Kaufman 2019, p. 10). Decisive for the approach of this study is the argument that the concept of employment not only reflects formal relationships defined by contracts to carry out specific work roles, but also more informal relationships as well as broader questions of social policy (Gall 2019; Kaufman 2019). More broadly understood, employment relations are the **networks, institutions** and **systems** in which different actors are involved with regard to work related processes and economic activities. The focus of the study of employment relations is on the **shaping of economic exchange relations and social conflict relations** (cf. Industrielle Beziehungen 2021; Gall 2021).

Building on the above concepts, the traditional academic disciplines, including, among others, economics, law, management and political science, use different approaches and place emphasis on diverse aspects of the field (Sisson 2020). Therefore, in order to understand the employment relations of athletes in Olympic sport, a wide array of aspects must be considered. The composition of the project team and the expertise of the academic partners reflects this challenge very well as it brings together academic experts from the relevant disciplines. This enables an **interdisciplinary study approach**. Still, the common core of research on employment relations is its focus on **institutions** which govern the relations of individuals and organisations. The already scarce literature on ER in sports, however, predominantly focusses on specific issues and cases, whereas the overarching areas of "governance, institutions and regulation" have only been considered to a minor extent (Barry et al. 2016, p. 3). The

aim of this project is to fill this gap and to provide a holistic picture of the employment relations of athletes in Olympic sports in Europe from an interdisciplinary perspective.

1.3.2. Good Governance

The term “good governance” has become a much-noted core concept both in the media and in sports association research. Against the backdrop of a growing number of sport-related scandals at the turn of the century, the public started to increasingly associate high normative expectations with good governance in sport. At the same time governance concepts also began to be developed from a scholarly perspective as a toolkit for sport science analysis (Sobry 2011; Geeraert 2013). The first two comprehensive handbooks on sport governance published two decades later (Winand & Anagnostopoulos 2019; Shilbury & Ferkins 2020) outline as inventories the now in-depth engagement with this field; however, they also document that scholarly engagement with good governance is characterised by persistent diversity rather than a high degree of coherence. The majority of works on the subject are nevertheless based on a common understanding of the term, which understands (good) governance as the responsibility of primarily sports organisations at the most diverse levels for the functioning and integrity of sport through the development, implementation and control of norms and rules.

The starting point for the emergence of good governance concepts in sport marks the ongoing commercialisation, medialisation and professionalisation processes of the 1980s and 1990s. At the same time, sports federations, guaranteed by the one-association principle, generally maintained their monopoly position. During this period, sports associations not only became more important and financially stronger, but also increasingly susceptible to undesirable developments. Especially in international competitive sports, shadowy aspects such as betting manipulation, doping scandals and corruption, but also a lack of consideration of social, economic or ethical standards were highlighted.

Governance is a concept that is as multi-layered as it is complex, based on different academic disciplines and also subject to a continuous change of meaning. The English term governance has its origins in the Latin term "gubernare", which for a long time was used synonymously in the Anglo-American language area for "governing" or for the political actions of states and governments. With a view to the inclusion of an ever-larger circle of actors in political decision-making and the recourse to economic and political science approaches, governance developed into a cipher for the most diverse forms of political steering or regulation. States and governments were no longer the sole point of reference, but markets and organisations as well as actors beyond the nation state were increasingly included in the light of a more comprehensive coordination of action. As with the concept of governance, there is no uniform definition of the concept of good governance (King 2016).

After the end of the Cold War, when the political and economic performance of states was increasingly questioned and at the same time civil society was attributed greater importance for social and economic development, states committed themselves to strive for or comply with certain standards of transparency, democratic processes and control. A similar development was also emerging in large companies and business organisations. The terms corporate governance and good corporate governance, which emerged in this context, underpinned the responsibility of corporate management towards internal and external stakeholders. The good governance concepts introduced at that time follow a praxeological approach and include goals such as accountability, efficiency, effectiveness, anti-corruption and transparency. Their usefulness was justified above all by the fact that they guarantee mutual security of expectations between the actors, that ensures collective action in the long run. On the part of academia, corresponding practice-oriented approaches were analytically flanked and theoretically underpinned, but also critically reflected upon, since good governance concepts often aim at the establishment of structures, which at the same time form a central prerequisite for the successful implementation of corresponding concepts (Czada 2009, p. 19).

In the transfer of academic approaches of (good) governance to sport, sports associations play a key role from a content perspective and sports management studies from a subject-specific perspective (Ferkins & Shilbury 2010). The starting point here are the changes from largely volunteer-run associations in sport to increasingly professionalised organisations run by salaried persons or full-time employees. The organisational and management-related governance studies subsequently found their correlate in more systemically oriented works. These studies primarily shed light on the nation-state setting in which state actors began to exert increasing influence on the shaping of sports policy by associations, without questioning the fundamental specificity of the sector or the association monopoly. The governance approach was able to ideally describe and explain the transformation of sport from a self-governing and non-governmental social sector to a multi-actor network (cf. Bruyningx 2012). Soft law methods form an important set of instruments of the governance concept. Instead of hard intervention instruments such as legally binding regulations, sport-related goals are achieved through soft methods such as negotiations, coordination mechanisms, networking and voluntary agreements between state and association actors (Hoye & Cuskelly 2006; Hoye, Nicholson & Houlihan 2010).

In practice, the first sport-related good governance activities were developed by international sports federations as well as international organisations and non-governmental organisations. The term good governance in sport was first used in the Statement of Good Governance Principles adopted by the European Olympics Committee (EOC) and the Fédération Internationale de l'Automobile in 2001 (Chappelet & Mrkonjic 2013). In 2004, good governance was included in the Olympic Charter, and in 2008, the Basic Universal Principles of Good Governance of the Olympic and Sports Movement were published by the IOC, setting - on a voluntary basis - minimum standards for IOC member organisations (IOC 2008).

In 2005, the Council of Europe adopted the “Resolution on the principles of good governance in sport”, which was subsequently further elaborated. In contrast to the international level, good governance criteria initially met with little response from national sports federations outside the Anglo-American world. The first national sports organisations to adopt recommendations were UK Sport (2004) with the document “Good governance: a guide for national governing bodies of sport” and Sport and Recreation South Africa (2004) with “Best practice principles of good governance in sport”. These were followed by the Netherlands (2005), associations from the USA (2005), New Zealand (2005), Wales (2006) and Australia (2007). The DOSB, the umbrella organisation of German sport, published “Guidelines for Good Association Governance” in 2007. Not least in view of the demands of the media and a critical sports public, the federations themselves are now claiming to take greater account of the requirements of good governance in the national arena as well (Jack 2018).

However, approaches that are more strongly related to policy fields, such as industrial or social relations – in contrast to specific institutions and organisations – have only been examined in rudimentary form, so that this field still marks a larger task and research area.

1.3.3. Methodology

The methodological framework of the study is derived from the concepts introduced above. To understand the legal and socio-political situation of athletes, unique data on 29 countries on the European continent are gathered and analysed. The countries studies include the 27 EU member states, the United Kingdom and Norway. As outlined in ► [Chapter 1.2.2](#), each academic partner of the project is responsible for one of the five regions. For each country, a **Country Fact Sheet** was filled out by a national expert. For the five home countries of the academic partners (i.e., Germany, the UK, Croatia, Portugal and Poland), the academic partners served as national experts. Drawing on the extensive network of the team, experts for each country were contacted to complete a comprehensive questionnaire which provided the data for the Country Fact Sheet. The list of national experts is displayed in ► [Annex 2](#). The questionnaire was designed by the project team and ensures the quality and comparability of the data among such a high number of cases.

An extensive literature review on aspects of employment relations – in and outside of sport – formed the basis for the questionnaire. The most relevant actors were identified by the project team and grouped under seven headlines:

1. National framework and setting of the Elite Sport System
2. Contractual relationships of athletes
3. Income/money and other benefits
4. Working time
5. Occupational safety and health

6. Social protection
7. Participation and bargaining power

Section 1 of the questionnaire aimed at a brief introduction into the countries' national legal and socio-political framework as well as into the fundamentals of the national elite sport system. Sections 2 to 7 then covered specific aspects of the employment relations of athletes in Olympic sports. A final section gave the opportunity to include national peculiarities which might not be captured through answering the previous questions.

Any comparative study faces similar issues regarding the collection and analysis of data. In general, with an increasing number of cases, the level of abstraction required to ensure comparability of the data also increases (Landman 2017). A trade-off between the level of detail on each case and the possibility to compare the data therefore exists. Adding to the complex interdisciplinary nature of the study of ER in general, the organisation and governance of (elite) sport differ significantly among countries on the European continent (Henry 2009; Bosscher et al. 2015). Accordingly, the level of abstraction for this large-scale project must be rather high. This, in turn, yields the conscious omission of detail for each country. These methodological considerations are well reflected in the Country Fact Sheets and the data used in this study.

To resolve the associated issues, and in line with the conceptual framework, the data mainly addresses the **national level** of sport governance and thereby neglects the regional and local levels of administration. At the national level, the various sports and disciplines are organised in different ways and the regulatory environment of national sport federations depends on many characteristics (e.g., the level of commercialisation, or whether it is a team or an individual sport) (O'Leary 2017). Therefore, an examination of all sports and disciplines falling under the scope of the project (►Chapter 1.1) is infeasible due to the high degree of variance. The characteristics of sports and disciplines differ among the 29 countries to such an extent that some sports fall outside the scope of the above definition in some countries, while, in other countries, they fall within the scope of what is herein referred to as Olympic sports. Exemplarily, in countries like France, Spain, or Germany, team handball would not be considered an Olympic sport (despite being part of the Olympic programme) since a professional league exists. Whereas in other countries professional leagues do not exist, bringing the sport and the athletes playing it into the realm of the project.

To resolve these issues, the study builds on data on the legal setting of the national context, stipulated in national laws and court decisions and the national framework of social and labour policy. Resulting from the exchange among the project partners, **four specific actors** were identified which – if existent in the national context – play an important role in the employment relations of athletes in Olympic sports on the national level:

a) The National Olympic Committee (NOC)

In each of the countries included in the study, a NOC exists. While the roles that NOCs play in the different countries may be rather diverse (i.e. in some countries they are also the umbrella organisation of the national sport federations), all NOCs are recognized by the IOC and serve the purpose to advance the Olympic movement in the national context. Of specific relevance to the athletes is the fact that it is the NOC which officially nominates and sends the team for the participation in the Olympic Games.

b) The national athletics federation

National sport federations play an important role in shaping the employment and work-related situation of athletes in Olympic sports. Due to the methodological constraints of the comparative study, not every national sport federation in all 29 countries can be analysed. The national athletics federation of each country, being a member of World Athletics (formerly IAAF), serves as an exemplary national sport federation to be considered in the analysis.

c) Public authority/entities without a generic/original focus on elite sport

Previous studies (cf. Breuer et al. 2018; Kuettel et al. 2020) show that, in some European countries, elite athletes can enter into a relationship with a public authority or state entity which, per se, does not have a generic focus on elite sport, like the national armed forces.

d) Specific elite sport organisation(s)

In many countries, organisations exist which are specifically dedicated to supporting and funding the elite sport system. These can take different forms (public agencies, private or intermediary (public and private) organisations) and play different roles in the national context.⁵

With this selection, the goal of the Country Fact Sheets was to examine the role that these actors play with regards to the six aspects of the ER of athletes in Olympic sports outlined above (2.-7.). This allows for a comprehensive understanding of the work- and employment-related situation of athletes in Olympic sports in their respective national context. The data was gathered by the national experts for each country using a questionnaire which included a total number of 97 questions. These included closed “yes-no-questions” and open-ended questions requiring an explanation. A template of the questionnaire can be found in ► [Annex 1](#).

The national experts carried out their work independently in the time period from April to August 2021. The academic partners, in their role as Regional Managers, were at the disposal of the national experts

⁵ If a public agency or state entity is created for the purpose of supporting and financing elite sport, they too fall under the scope of the actors herein referred to as “specific elite sport organisation”. In contrast, the public authorities and state entities considered under c) only include those actors whose generic task and *raison d’être* does not relate to the support of elite sport (like e.g., the armed forces).

in case of any question or uncertainty during the data collection phase. Upon receipt of the Country Fact Sheets, the project team met to discuss the quality of the data. Each national expert was contacted for feedback regarding some open questions and to ensure a common and standardised interpretation of the data.

On the empirical basis of the 29 Country Fact Sheets, five so-called **Regional Summaries** were written by the academic partner responsible for the region, illustrating, comparing, and highlighting the most relevant aspects for each country of the respective region. These reports are the main empirical body of the study and will guide all future action of the project. Figure 2 illustrates the data sources and parts of the report. Taken the five Regional Summaries provide a unique data source, enabling the reader to holistically understand the employment relations of athletes in Olympic sports in Europe.



Figure 1.2: Data sources and structure of the report.

1.4. Introduction to the Regional Summaries

In line with the conceptual and methodological framework of this report (► Chapter 1.3), chapters 2 through 6 summarise the facts gathered by national experts in 29 European countries. The data of the so-called Country Fact Sheets were combined into five Regional Summaries, covering five to six countries each.

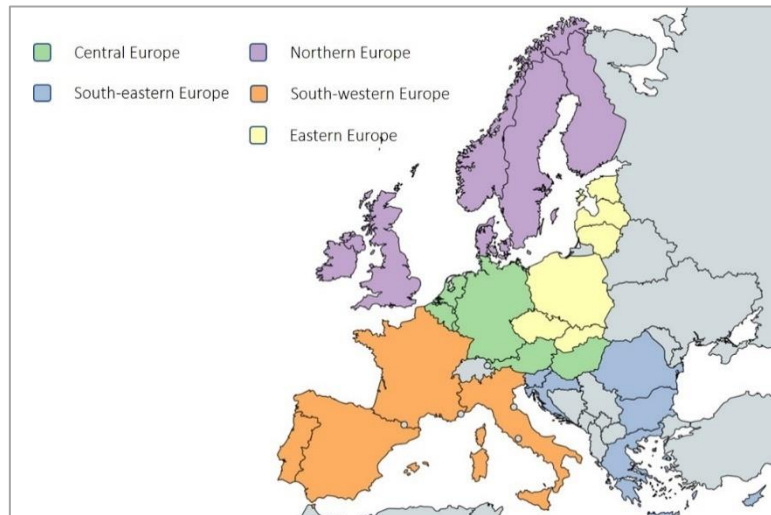


Figure 1.3: Regions of the Regional Summaries

The aim of the five Regional Summaries is to provide new and fundamental insights into the employment-related and socio-political characteristics pertaining to athletes in Olympic sport in each country. The nature of the presentation is mostly focussing on facts but already includes initial comparison among the countries of the region. Illustrative figures and tables are included to make the rich data more accessible to the reader and to provide comprehensive overviews on the facts of the reports. As mentioned above, the data collected by the national experts through the Country Fact Sheets are of unique richness and detail. In total, the 29 Country Fact Sheets consist of more than 650 pages of data. Actors, policies, regulations and institutions shaping the employment relations of athletes in Olympic sport vary substantially across the countries included in the study. Because of the comparative design which includes such a large number of cases, it is impossible to illustrate and analyse the 29 domestic contexts in all detail. The current state of the Regional Summaries shall be considered a preliminary analysis of the data currently available to the research team. The results provide a solid empirical basis for an informed debate and critical reflection among the diverse stakeholders. All data utilised to inform the results of the summaries are subject to revision as the exchange with stakeholders continues over the course of the project.

For comparative reasons, each Regional Summary is structured in **twelve headlines** and subsections. The main actors and organisations of the Olympic movement in each domestic context, the role of the state

sector in elite sport policy, and the relationship between the private sports sector and national public administration are illustrated in an opening section on the **background of national sport systems**.

Since the 1990s, the European Model of Sport has been regularly referred to in line with general characteristics of sport in Europe and the European Union. The specific term “European Model of Sport” (Sloane 2006; IOC 2020) insinuates that the European sport systems are characterised by great homogeneity. In this way, however, the term European Model of Sport conceals the great diversity of sport systems that can be discerned in the member states of the EU. At most, a global comparison with the sport model of the US and the commercial sector would indicate a fundamental difference; however, on closer examination, numerous differences can also be discerned. One of the few approaches that deals with sports systems in their entirety and at the same time takes a comparative approach is the report published by Jean Camy et al. (VOCASPORT Research Group 2004). The approaches developed by the authors in the context of the VOCASPORT report were subsequently taken up in other studies. It is well established in current literature, that, despite a distinct “European Model of Sport”, (elite) sport systems on the European continent differ to certain degrees (Henry 2009; Willem & Scheerder 2017). This pertains to all aspects included in this section. To date, it is unclear, however, how the overarching characteristics of a sport system affect the employment relations of athletes in Olympic sports.

A second section provides the necessary data on the **background of national employment and social welfare regimes**. This includes basic information on individual and collective labour law as well as the fundamentals of national social policy and welfare regimes. Recent studies show that, despite some competence on the EU-level, the nation state remains the decisive actor to shape and determine employment relations and social welfare in European countries, leading to considerable variation in some characteristics (Hantel 2016; Kuhlmann & Blum 2020). Therefore, similar to the sports systems, the welfare systems in Europe also show considerable variances. Consequently, the analogous concept of the so-called “European Social Model” is only of limited use here. Older comparative welfare research has usually distinguished between two systems: The continental Bismarck system and the British Beveridge system. The Bismarck type is based on contribution-financed social insurances that are linked to (dependent) employment. The Beveridge type, on the other hand, is based on a tax-financed minimum security for all citizens.

Other models have been developed in order to differentiate more specially between the similarities and differences of the various types of welfare states. The most important typology comes from the Danish sociologist Esping-Andersen (1990). He distinguishes between three types of welfare states: liberal, conservative and social democratic welfare states. His categorisation is based on the logic of the relationship between the state and the market in the provision of social services, the extent and quality of welfare state services and the effect of social policy on social stratification. Some researchers argue that there is a fourth, specifically Mediterranean model, which can be identified mainly in Italy, Spain,

Portugal and Greece. This fourth model has many features of the conservative model, but it is also characterised by a fragmented and particularised social security system, an even more pronounced role of the family in the state-market-family mix of social protection and an underdeveloped social assistance system.

Much of the history of Olympic sport is connected to the concept and notion of amateurism. Amateurism, in its basic form, promotes the idea that training and participating in Olympic sport shall be considered a leisure time activity and not be connected to any profit derived from the sporting activities of an athlete (cf. Llewellyn & Gleaves 2016). Resulting from the status as amateur, the legal status of athletes in Olympic sports historically was distinct from the legal status of workers or employees. This yields that cases about athletes in Olympic sports decided by labour or social courts are very scarce in academic literature. The section on the **legal status of athletes** sheds light on national legal acts or court cases which determine or affect the legal position of athletes. As mentioned above, athletes and athletes' organisations have started to challenge the concept of amateurism, also by making recourse to public courts. Under the general labour law of the European countries, the legal status of athletes heavily depends on the contractual relationship of an athlete with an organisation and the income related to this contract. In accordance with the general principles, decisions on the employment status are usually made on a case-by-case basis in all countries. In the different countries, very specific and varying characteristics are considered for a legal assessment of the status of an athlete. However, the income of an athlete always plays an important role in any decision.

Seeing the countries at hand, two general and conceptual distinctions regarding the status of elite athletes can be made: Firstly, the legal status of elite athletes can be determined by a specific legal act or the case law of a country. In such instance, all athletes falling under the scope of the applicable legislation are affected and their status is determined. Secondly, where no legislation exists, the contractual status of athletes prevails in an evaluation. In such instance, the status is only determined for athletes which maintain an employment relationship with the different actors. While the details of each of the potential relationships as well as the conditions to enter into it will be explained in detail in the other sections of the Regional Summary, the basic characteristics are already illuminated in the section on the legal status of athletes.

Four specific sections are included on the identified actors which play a specific role in shaping the employment relations of athletes in Olympic sports. In each region, the contractual relationships of athletes with and income opportunities from **a) the NOC; b) the national athletics federation; c) public agencies and state entities without a generic focus on elite sport; and d) specific elite sport organisations**⁶

⁶ If a public authority specifically responsible for sport, e.g. a Ministry of Sport, supports elite athletes, e.g. by disbursing funds to athletes, without establishing a specific organisation, the mechanisms and details of the support structures are also explained in the section on the specific elite sport organisations in the respective region.

are depicted and compared (see also ► Chapter 1.3.3, footnote 2). With regards to the contractual relationships of athletes with the four actors, the analysis distinguishes between general contracts (outside the period of the Olympic Games) and those specifically connected to the participation in the Olympic Games or other international sport events (during the period). This includes any form of contractual agreement between an athlete and one of the four actors, like, among others, employment contracts, scholarship agreements and so-called athlete agreements which are often signed with sport organisations. The data furthermore include information on the conditions and criteria that athletes must fulfil in order to enter into a contractual relationship and to receive different sources of income (see below). If available, the number of athletes in the respective contractual relationship and/or those receiving the different forms of income are also indicated. With regards to income, a distinction is made between direct income (e.g. money that athletes receive for their independent use), indirect income (e.g. in the form of reimbursements for sports-related expenses), and other forms of financial or non-material support.

Besides the above-listed actors, sponsors can play an important role for athletes. In addition, the role of social media is becoming ever more important also to athletes in Olympic sports to increase their popularity and derive revenue from self-marketing. With the widely contested Rule 40 of the IOC Charter, far-reaching restrictions are put in place to prevent athletes from leveraging their private sponsorship deals during the period of the Olympic Games (Terraz 2020). One section therefore also includes information on the opportunities and support structures for, but also restrictions on **sponsorship and self-marketing** in the domestic context.

Next to matters of wages, **occupational safety and health** is one of the core issues of the traditional study and practice of employment relations. The different measures to protect mental and physical health, safety policies and access to medical facilities play an important role in the Olympic sphere and have moved into the focus of public and academic debate, not least because of the recent Tokyo Olympic Games (Kavanagh & Parry 2021). As a consequence, sport organisations are increasing their efforts in assuming the responsibility over athlete welfare (Mountjoy, Burrows & Greinig 2021). Previous research shows that a career in elite sport has negative effects on the individual income and the social protection of athletes compared to workers in other domains (Breuer et al. 2018). Therefore, and also due to the prevailing notion of amateurism, the conditions under which both statutory social security provisions, like pension schemes, health care or unemployment benefits and voluntary provisions of private actors (e.g. NOC, national athletics federation) apply to athletes in Olympic sport are examined.

Collective agreements are a core instrument of employment relations in many economic sectors and professional sports, yet not in Olympic sports (Bradish et al. 2019). The usual form of **participation and bargaining** for and by athletes within the sport organisations of the Olympic movement is found in so-called Athletes' Commissions or Committees. These can take different forms and are implemented to varying degrees across different countries (Ciomaga et al. 2018; Seltmann 2021b). Outside the

structures of the NOC and the national sport federations, athlete representative and advocacy groups exist in some countries and, more recently, also on the international level (Seltmann 2021a, b). A last section covers **current conflicts and issues**. Over the last years, diverse issues have been addressed in media and public debates as well as in current academic literature.

Literature Chapter 1

- Barry, Michael P, Skinner, James and Engelberg, Terry (2016) 'Sidelined: Employment relations in professional sports', in Michael P Barry, James Skinner and Terry Engelberg (eds) *Research handbook of employment relations in sport* (Cheltenham, UK: Edward Elgar Publishing), 1–15
- Bosscher, Veerle de, Shibli, Simon, Westerbeek, Hans and van Bottenburg, Maarten (2015) *Successful elite sport policies: an international comparison of the sports policy factors leading to international sporting success (spliss 2.0) in 15 nations* (Maidenhead: Meyer & Meyer Sports)
- Bradish, Cheri, Koehler, Rob and Bailey, Andrew (2019) 'Olympic Commercialization and Player Compensation: A Review of Olympic Financial Reports',
 <<https://static1.squarespace.com/static/5c8a203ac46f6d6629eac1f4/t/5ea0788e6944957714622d5f/1587574929736/2020.04.22+Olympic+Commercialization+and+Player+Compensation+FINAL.pdf>>, accessed 17 September 2021
- Breuer, Christoph, Wicker, Pamela, Dallmeyer, Sören and Ilgner, Michael (2018) *Die Lebenssituation von Spitzensportlern und -sportlerinnen in Deutschland* (Bonn: Bundesinstitut für Sportwissenschaft)
- Bruyninckx, Hans (2012) 'Sports Governance: Between the Obsession with Rules and Regulation and the Aversion to Being Ruled and Regulated', in Barbara Segaert, Marc Theeboom, Christiane Timmerman and Bart Vanreusel (eds) *Sports Governance, Development and Corporate Responsibility* (Routledge), 107–121
- Chappelet, Jean-Loup and Mrkonjic, Michaël (2013) 'Existing governance principles in sport: A review of published literature', in Alm, Jens (ed) *Action for good governance in international sports organisations*, 222–240
- Ciomaga, Bogdan, Thibault, Lucie and Kihl, Lisa A (2018) 'Athlete Involvement in the Governance of Sport Organizations', in Mark Dodds, Kevin Heisey and Aila Ahonen (eds) *Routledge handbook of international sport business* (London: Routledge, Taylor & Francis Group), 201–213
- Czada, Roland (2009) 'Good Governance als Leitkonzept für Regierungshandeln: Grundlagen, Anwendung, Kritik', in Arthur Benz and Nicolai Dose (eds) *Governance - Regieren in komplexen Regelsystemen: Eine Einführung* (Wiesbaden: VS Verl. für Sozialwiss), 2021–2222
- Esping-Andersen, Gøsta (1990) *The three worlds of welfare capitalism* (Princeton, N.J: Princeton Univ. Press)
- Ferkins, Lesley and Shilbury, David (2010) 'Developing board strategic capability in sport organisations: The national–regional governing relationship', *Sport Management Review*, 13:3, 235–254
- FIFPro (2016) '2016 FIFPro Global Employment Report: Working Conditions in Professional Football',
 <<https://fifpro.org/media/xdjhlwb0/working-conditions-in-professional-football.pdf>>, accessed 11 August 2021
- Gall, Gregor (2019) 'The politics of labour, work and employment', in Gregor Gall (ed) *Handbook of the politics of labour, work and employment* (Cheltenham Northampton, MA: Edward Elgar Publishing), 1–8
- Geeraert, Arnout (2013) 'The governance agenda and its relevance for sport: Introducing the four dimensions of the aggis sports governance observer', in Alm, Jens (ed) *Action for good governance in international sports organisations*, 9–21
- Hantel, Peter (2016) *Europäisches Arbeitsrecht: mit zahlreichen Beispielsfällen aus der Rechtsprechung des EuGH* (Berlin Heidelberg: Springer)
- Henry, Ian (2009) 'European Models of Sport: Governance, Organisational Change and Sports Policy in the EU', *Hitotsubashi journal of arts and sciences*, 50:1, 41–52
- Höfling, Wolfram, Horst, Johannes and Nolte, Martin (eds) (2018) *Good Governance im Sport* (Tübingen: Mohr Siebeck)
- Hoye, Russell and Cuskelly, Graham (2007) *Sport governance* (Amsterdam: Elsevier)

- Hoye, Russell, Nicholson, Matthew and Houlihan, Barrie (2010) *Sport and policy: issues and analysis* (Amsterdam: Elsevier/Butterworth-Heinemann; Elsevier)
- Internationale Beziehungen (2021) 'Informationen zur Zeitschrift', <<https://www.budrich-journals.de/index.php/indbez>>, accessed 14 October 2021
- International Labour Organization (2012) 'International Standard Classification of Occupations: Structure, group definitions and correspondence tables', <https://www.ilo.org/wcmsp5/groups/public/--dgreports/--dcomm/--publ/documents/publication/wcms_172572.pdf>, accessed 3 February 2020
- International Labour Organization (2019) 'Decent work in the world of sport: Issues paper for discussion at the global dialogue forum on decent work in the world of sport (Geneva, 20–22 January 2020)', <https://www.ilo.org/sector/activities/sectoral-meetings/WCMS_667607/lang-en/index.htm>, accessed 3 February 2020
- International Labour Organization (2020) 'Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus', <https://www.ilo.org/wcmsp5/groups/public/--ed_dialogue/--sector/documents/meetingdocument/wcms_735388.pdf>, accessed 3 February 2020
- International Olympic Committee (2020) 'The European Sport Model', <<https://rm.coe.int/the-european-sport-model-paper-by-the-ioc/1680a1b876>>, accessed 17 September 2021
- Jack, Rowland (2018) *Good governance initiatives in sport at national level. Good practice handbook for the sports movement* (Directorate General of Democracy, Enlarged Partial Agreement on Sport (EPAS): Council of Europe)
- Kaufman, Bruce E (2019) 'A theoretical framework for labour, work and employment research', in Gregor Gall (ed) *Handbook of the politics of labour, work and employment* (Cheltenham Northampton, MA: Edward Elgar Publishing), 10–47
- Kavanagh, Emma and Parry, Keith D (2021) 'Tokyo 2020: athlete welfare and coping with new anxieties', <<https://olympicanalysis.org/section-3/tokyo-2020-athlete-welfare-and-coping-with-new-anxieties/>>, accessed 17 September 2021
- King, Neil A (2016) *Sport governance: an introduction* (New York: Routledge)
- Kuettel, A., Christensen, M. K, Zysko, J. and Hansen, J. (2020) 'A cross-cultural comparison of dual career environments for elite athletes in Switzerland, Denmark, and Poland', *International Journal of Sport and Exercise Psychology*, 18:4, 454–471
- Kuhlmann, Johanna and Blum, Sonja (2020) 'Reform pathways of European welfare systems: Analysing change and continuity in a broadened geographical and temporal perspective', in Sonja Blum, Johanna Kuhlmann and Klaus Schubert (eds) *Routledge Handbook of European Welfare Systems* (London & New York: Routledge), 3–18
- Landman, Todd and Carvalho, Edzia (2017) *Issues and methods in comparative politics: an introduction* (London: Routledge Taylor & Francis Group)
- Llewellyn, Matthew P and Gleaves, John (2016) *The rise and fall of Olympic amateurism* (Urbana Chicago Springfield: University of Illinois Press)
- Mittag, Jürgen (2018) 'Mitbestimmung als sportpolitisches Konfliktfeld', *IMPULSE. Das Wissenschaftsmagazin der Deutschen Sporthochschule Köln*, 23:2, 36–41
- Mittag, Jürgen and Naul, Roland (2021) 'EU sports policy: assessment and possible ways forward, European Parliament, Research for CULT Committee – Policy Department for Structural and Cohesion Policies, Brussels'
- Mountjoy, Margo, Burrows, Kirsty and Greinig, Susan (2020) 'Protection of the athlete: Activities of the International Olympic Committee', in Melanie Lang (ed) *Routledge Handbook of Athlete Welfare* (Abingdon, Oxon: Routledge), 351–364
- O'Leary, Leanne (2017) *Employment and labour relations law in the Premier League, NBA and International Rugby Union* (T.M.C. Asser Press)

- Seltmann, Maximilian (2021a) 'Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement', *Sport und Gesellschaft*, 18:1, 9–37
- Seltmann, Maximilian (2021b) 'The Institutional Position of Athletes in the Governance Networks of the Olympic Movement in Canada, Germany and the United Kingdom', *The International Journal of the History of Sport*, 38:10-11, 1165–1188
- Shilbury, David and Ferkins, Lesley (eds) (2020) *Routledge handbook of sport governance* (Abingdon, Oxon: Routledge)
- Sloane, Peter J (2006) 'The european model of sport', in Wladimir Andreff and Stefan Szymanski (eds) *Handbook on the economics of sport* (Cheltenham, UK: Edward Elgar), 299–303
- Sobry, Claude (2011) *Sports Governance in the World: A Socio-Historic Approach* (Paris: Éd. Le Manuscrit)
- Terraz, Thomas (2020) *Balancing Athletes' Interests and The Olympic Partner Programme: the Bundeskartellamt's Rule 40 Decision*, <<https://www.asser.nl/SportsLaw/Blog/post/balancing-athletes-interests-and-the-olympic-partner-programme-the-bundeskartellamt-s-rule-40-decision-by-thomas-terraz#continue>>, accessed 10 February 2020
- VOCASPORT Research Group (2004) *Vocational Education and Training in the Field of Sport in the European Union: situations, trends and outlook* (Lyon: Européan Observatoire of Sport and Employment)
- Willem, Annick and Scheerder, Jeroen (2017) 'Conclusion: The role of sport policies and governmental support in the capacity building of sport federations', in Jeroen Scheerder, Annick Willem and Elien Claes (eds) *Sport policy systems and sport federations: a cross-national perspective* (London: Palgrave Macmillan UK), 303–320
- Winand, Mathieu and Anagnostopoulos, Christos (eds) (2019) *Research handbook on sport governance* (Cheltenham, UK: Edward Elgar Publishing)

2. Northern Europe

Leanne O'Leary

This Regional Summary addresses the countries United Kingdom, Ireland, Denmark, Finland, Norway and Sweden.

2.1. Background: National Sport Systems



In the **United Kingdom (UK)** the elite sport system is primarily organised by private **national sports federations (NFs)**, with funding provided by **UK Sport**. The **British Olympic Association (BOA)** selects, leads and manages Team GB, which represents Great Britain and Northern Ireland at each winter and summer Olympic Games. The **army** has a role in supporting elite army athletes. The **English Institute of Sport** and **universities** also have a part to play in providing services and training facilities. There are no sport-specific constitutional provisions (the UK does not have a written legal constitution) or sport-specific employment laws; there are, however, sport-related statutes on other issues such as health and safety in sports stadia and football hooliganism. The relationship between public authorities and organised sport is best described as one of cooperation, collaboration and partnership.

The **Department for Digital, Culture, Media and Sport (DCMS)** is the government department responsible for overseeing the sport sector. It directs government funding to specific sports agencies, namely **UK Sport** and the four **Sports Councils** (Sport England, Sport Wales, Sport Scotland and Sport Northern Ireland) for the benefit of elite sport development. Local authorities deliver sport and fitness activities to communities and maintain the leisure infrastructure (e.g. public swimming pools and leisure centres). Local authorities also work in partnership with the Sports Councils, NFs, county associations, local schools and clubs to promote an active lifestyle and engage people in mass participation sports events and physical activity.

The core organisation in the Olympic Movement is the **BOA**, which is the National Olympic Committee (NOC) for Great Britain, Northern Ireland and the UK's dependent territories that do not have a NOC. The BOA's members are the 42 NFs of each of the winter and summer Olympic sports, and it is recognised by the International Olympic Committee (IOC). The BOA is independent of government and privately funded through commercial revenue, financial support from the IOC and fundraising events. The **NFs** regulate and organise their respective sports. Insofar as the Olympic Games are concerned, the NFs select, in conjunction with the BOA, the athletes who meet the selection criteria to participate. In 2021, 376 athletes represented Great Britain and Northern Ireland at the Tokyo 2020 Olympic Games; in 2016, 366 British athletes attended the Olympic Games in Rio de Janeiro, Brazil; and in 2018, 59 athletes attended the Winter Olympics in Pyeongchang, South Korea.

UK Sport is a non-departmental public body established by a Royal Charter on 19 September 1996 and accountable to the DCMS. It supports elite athletes and sports to compete and win medals at the

Olympic Games (and Paralympic Games) through investing funding that it receives from the National Lottery and the government. It also receives a small amount of commercial income through sponsorships. The revenue is used to support athletes, UK Sport's partners (e.g. NFs) and to maintain the organisation. UK Sport funds the **English Sports Institute** which provides medical services, engineering and technical services to assist athletes to achieve their best performance. UK Sport invests funding in two main ways: by funding Olympic and Paralympic Sports' World Class Programmes (WCP) and funding Athlete Performance Awards (APAs). The funding coincides with each Olympic cycle. UK Sport operates at a national level; the responsibility for developing elite sport talent at a "home country" level falls to the **Sports Councils**. The Sports Councils each have a talent identification pathway programme that includes Olympic and Paralympic Sports and also includes a significant number of other sports that do not receive UK Sport funding, but are included in competitions such as the Commonwealth Games. The Home Country Talent Programme (Talent Pathway) supports aspiring athletes in Olympic and Paralympic Sports' early talent squads, regional squads, and national age group squads, prior to inclusion in an NF's WCP. The programme provides the performance foundation for athletes. It is anticipated that a Talent Pathway athlete will progress after one to four years into a WCP as a Podium Potential athlete. The **British Army** offers support for soldiers to pursue elite-level sport. It supports elite athletes through the Army Elite Sport Programme (AESP), which is managed by the Army Sport Control Board.⁷ The soldiers are employed by the Army and fulfil military duties while also pursuing elite sport. A soldier is selected on to the AESP and the Army provides a funded elite athlete programme in partnership with UK Sport, NFs and the English Institute of Sport.



In the **Republic of Ireland**, the main entities involved in the elite sport system are **Sport Ireland**, the **Olympic Federation of Ireland** and **NFs**, with the **military** providing *ad hoc* support. The Irish Constitution does not contain sport-specific provisions. National law establishes **Sport Ireland**, a national sports development body that has responsibility for the distribution of funding to various **NFs**.⁸ The **Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media** is the government ministry responsible for the sports sector, including elite sport. Local authorities generally do not have an involvement in elite sport except to the extent of involvement in capital funding projects.

Sport Ireland is a statutory authority that oversees the development of sport, including elite sport, in Ireland. It is established under the Sport Ireland Act 2015 and its functions are outlined in s 8 as including, "*to support elite athletes in achieving excellence in sport*" (Sport Ireland Act 2015, s 8(1)(c)). It has a High Performance Unit that provides funding to NFs to support Irish athletes to achieve medals at championship events, the Olympic Games and Paralympic Games. Sport Ireland funds the High Performance Programmes of some NFs, and through the International Carding Scheme (ICS), it

⁷ See further the Army Sport Control Board website <<https://armysportcontrolboard.com>>.

⁸ Note: the Irish Horseracing and Greyhound industries are state-owned and legislation regulates those industries operations.

provides financial support to athletes for training and competition (Sport Ireland 2021). In 2021 approximately 140 athletes are a part of the ICS.⁹

The Olympic Movement is represented through the **Olympic Federation of Ireland (OFI)**. It is organised as a company limited by guarantee. It manages Team Ireland, which represents the Republic of Ireland at each winter and summer Olympic Games, and receives income through commercial sponsorships and grants from Sport Ireland, the IOC and the European Olympic Committee. The relationship between the public authorities and OFI may be described as one of cooperation and autonomy, albeit with oversight.¹⁰ NFs, while autonomous, are dependent on State funding and often channel their interactions with the State through the OFI. The **military** has a tradition of supporting elite athletes within its ranks on an *ad hoc* basis, particularly in the area of show jumping and, on occasion, in boxing. There is no structure to the *ad hoc* support. Public universities also offer scholarships to elite athletes and the use of facilities and coaching. In 2021, 116 athletes represented Ireland at the Tokyo 2020 Olympic Games; in 2016, 77 athletes attended the Olympic Games in Rio de Janeiro, Brazil; and in 2018, 5 athletes represented Ireland at the Winter Olympics in Pyeongchang, South Korea.



In **Denmark**, the main entities that organise elite sport are **Team Denmark**, the **Danish Olympic Committee (Danmarks Idrætsforbund, DIF)** and **NFs**. There are no specific provisions regarding sport in the country's constitution. There are statutes that regulate aspects of sport such as anti-doping and match fixing, amongst others. There is also the **Act on the Promotion of Elite Sports** that provides the legal basis for **Team Denmark**. Team Denmark's mission is to promote, organise and develop elite sports. It works in collaboration with: DIF, DIF's members (who are the NFs), local authorities and educational and research institutions to optimise and support athlete development. Support provided to athletes depends on the athlete's talent and level, and for those purposes Team Denmark categorises athletes as either: world class, elite or in a preliminary squad. In 2020, Team Denmark supported 998 athletes, including 124 world class athletes, 387 elite athletes, and 487 athletes in preliminary squads (Team Denmark 2020).

Team Denmark is an organisation under the **Ministry of Culture**, which is the Danish government department responsible for the sports sector. Team Denmark and DIF are both funded by the Ministry of Culture. At a municipal level, local authorities are responsible for providing public sport facilities and support to local sports clubs. The state and local authorities oversee the general sports framework, and the sports clubs and other governmental organisations develop and organise sports activities. Whilst

⁹ Please note that numbers vary and some awards are made to teams and co-participants: see Sport Ireland 2021.

¹⁰ See the Moran Inquiry Report for a discussion of the fractious relationship between public authorities and the (then) named Olympic Council of Ireland until governance changes were made after the Rio de Janeiro Olympic Games, available on line at < <https://assets.gov.ie/19173/eac78697a98745408b527571f79330b6.pdf> > accessed 8 September 2021.

the Danish government (through the Ministry of Culture) provides the overall framework for elite sport, organised sport is generally considered to be autonomous from political influence. There is close cooperation between the public authorities and DIF. DIF also collaborates with Team Danmark and the NFs. In 2021, 108 athletes represented Denmark at the Tokyo 2020 Olympic Games in Japan; in 2016, 122 athletes represented Denmark at the Olympic Games in Rio de Janeiro, Brazil; and, in 2018, 17 athletes attended the Winter Olympics in Pyeongchang, South Korea.



In **Finland**, the key entities that organise and support the elite sports system are the Ministry of Education and Culture, the Finnish Olympic Committee (FOC) (known also as Suomen Olympiakomitea) and its High Performance Unit (HPU), the Finnish Defence Force, sport academies and sport institutes. There are no provisions in the country's constitution that relate specifically to sport. There is a national law, The Act on the Promotion of Sports and Physical Activity (390/2015) (the Act), that sets out provisions regarding: the promotion of physical activity and top-level sports; the responsibilities of, and cooperation between, central and local government; the government administrative bodies; and the funding to be provided by the state in the field of sports and physical activity. The Act provides the framework for sport governance and policy actions at a national and regional level and, accordingly, implementation of the Act varies between Finnish municipalities and local authorities. The government department responsible for overseeing the sport sector, including elite sport, is the Ministry of Education and Culture. It is responsible for funding and guiding sport policy aimed at supporting athletes and the development of elite sport.

The **FOC** is responsible for elite sport. In fact, it is the only central sports organisation in Finland and represents all sport and physical activity from grassroots to elite sport. Its **HPU** manages and coordinates Finnish elite sport in conjunction with the 71 **NFs** and an elite sport network that consists of athletes, coaches, sport clubs, sport academies and sport medicine centres, amongst others. The NFs are responsible for providing the resources for athletes and the national level coaches. The HPU distributes part of the government's elite sport budget to NFs; the remaining part of the budget is allocated by the **Ministry of Education and Culture** to sport academies, athletes, international events and subsidies for elite sport research and development, amongst others. In 2021, approximately 205 athletes across summer and winter Olympic sports received an athlete grant from the Ministry of Education and Culture, and/or personal financial support from the FOC. The **Finnish Defence Force** provides some support for elite athletes. In 2021, it has 12 temporary positions (non-commissioned officers) for elite athletes who are part of the FOC's programme, and who spend 70% of their employment competing and training for events. A further three athletes are supported to a lesser extent to train and compete alongside work. The Finnish Border Guards also employ two athletes to train and compete in sport alongside their own work. There are 19 **sport academies** throughout Finland that permit athletes to study and train and provide facilities and services to assist with training (e.g. health care, physiotherapy). The Urhea Sports Academy is the largest academy and is located in

the capital area of Finland. In 2021, a total of 5436 athletes across different levels were part of the Urhea Sports Academy. In addition, Finland has 11 national and three regional **sports training centres**, as for example **sport institutes** (colleges of physical education).

The relationship between the Ministry of Education and Culture and organised sport is one of formal cooperation. It is a mixed model between the state and sport movement, which is formally acknowledged in a contract between the Ministry of Education and Culture and the FOC. The Finnish state is responsible for funding and guiding sport policy, which is implemented at different levels by the FOC and other sport organisations. In 2021, 45 athletes attended the Tokyo 2020 Olympics in Japan; 54 athletes went to the Olympic Games in Rio de Janeiro, Brazil; and, in 2018, 101 athletes represented Finland at the Winter Olympics in Pyeongchang, South Korea.



In **Norway**, there are no sport-specific provisions in the country's constitution. There are also no national laws relating specifically to the organisation of sport or elite sport. Sport is organised in Norway under the umbrella confederation of the **Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF)**.¹¹ The government department responsible for the sports sector is the **Ministry of Culture**, which approves of NIF as the supreme authority of sport matters in the country, although this is not expressed in Norwegian law. NIF organises almost all sport in the country and in 2021 has 55 NF members. NIF's statutes and regulations form a "sports law" that governs the NFs. NIF also receives funding from the Ministry of Culture yearly which provides support for NIF, the NFs, grassroots and elite sport. The funding comes mainly from the country's national lottery. **Olympiatoppen** is a department within NIF that has specific responsibility for providing resources to Olympic athletes such as stipends, sports medicine services and post-career advice, amongst others. Elite athletes are members of clubs within their respective NF and use the resources provided by Olympiatoppen for the benefit of their training and competition.

At a regional level, local authorities distribute funds to finance municipal sport facilities, provide stipends for talented athletes for participation in national and international competitions, and for specific sports projects. Autonomy and cooperation best describe the relationship between public authorities and organised sport. In 2021, 93 athletes attended the Tokyo 2020 Olympic Games; in 2016, 64 athletes attended the Olympic Games in Rio de Janeiro, Brazil; and, in 2018, 109 athletes represented Norway at the Winter Olympics in Pyeongchang, South Korea.



In **Sweden**, the main entities that organise the elite sport system are: the **Swedish Sports Confederation (Riksidrottsförbundet, RF)**, the **NFs** and the **Swedish Olympic Committee (Sveriges Olympiska Kommitté, SOK)**. There are no sport-specific provisions in the country's constitution. The Government Act on

¹¹ The Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF) resulted from a merger in 1995 of the Norwegian Confederation of Sports and the National Olympic Committee in 1996. In 2008 the Paralympic Committee was integrated into the organisation.

Public Financial Support of Sports Activities (Förordning (1999:1177) om statsbidrag till idrottsverksamhet) empowers **RF** to distribute public financial support to all sports and, in doing so, to act as a government agency. There is no general sports code or similar piece of legislation. The government department that oversees the sport sector is the **Ministry of Culture**. Most NFs belong to RF, which in many regards is the main top-level sports organisation in Sweden, although it largely coordinates the NFs rather than exercise power over them. The 41 NFs that organise Olympic sports also belong to **SOK**. The SOK has an elite athlete programme (Topp och Talang) that supports approximately 200 athletes with world-class capacity or potential capacity. Thirty-nine promising athletes belong to a similar program (Talang 2022) that supports young athletes. In 2021, 136 athletes competed for Sweden at the Tokyo 2020 Olympic Games in Japan; in 2016, 154 athletes represented Sweden at the Olympic Games in Rio de Janeiro, Brazil; and, in 2018, 110 athletes went to the Winter Olympics in Pyeongchang, South Korea.

The Swedish state's relationship to sports and the sports movement is largely "hands-off", which provides the NFs, RF and SOK, with extensive autonomy. This is reflected, for example, in the limited number of laws and regulation of sports-related matters. The state's role is almost exclusively limited to providing financial support. While this means that the sports movement must comply with certain requirements under law and further certain policy goals, the financial support is largely unconditional. In certain areas, for example, when it comes to combating doping, hooliganism, racism, and abuse of minors, public authorities and NFs cooperate.

2.2. Background: National Employment Relations and Welfare Regimes



In the **United Kingdom (UK)**, there are a plethora of statutes, regulations and other statutory instruments that prescribe minimum employment rights for employees and workers. The main statutes that regulate individual employment rights are the Employment Rights Act 1996, the National Minimum Wage Act 1998, the Equality Act 2010 and the Health and Safety at Work Act 1974. Entitlements and protections regarding working time (Working Time Regulations 1998 SI 1998/1833), fixed-term contracts (Fixed Term Employees (Prevention of Less Favourable) Treatment Regulations 2002 SI 2002/2034), maternity leave (Employment Rights Act 1996, ss 55-57, s72(1); Management of Health and Safety at Work Regulations 1999 SI 1999/3242, reg 16; and Maternity and Parental Leave etc Regulations SI 1999/3312, regs 4-8), educational leave (Employment Rights Act 1996, s63A, s 63D; and The Employment Study and Training (Procedural Requirements) Regulations 2010 SI 2010/155) and annual leave (Working Time Regulations 1998 SI 1998/1833, regs 13 and 13A), are all prescribed in statute or regulations. An employment relationship is primarily based on a bi-lateral contract of employment between an employer and employee. The status of the parties under the contract will determine the level of employment protection provided to an employee, worker or independent

contractor. To establish employee status there needs to be a degree of control, a mutual obligation on the part of the employer to provide work and pay remuneration and on the part of the employee to do the work provided; and personal service (*Ready Mixed Concrete Ltd v Minister of Pensions* [1968] 2 QB 497, 515).


The key actors involved in the regulation of collective labour relations are the trade unions,¹² employer or employers' associations,¹³ the Certification Officer¹⁴ and the government. The collective labour relationship is regulated by the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA 1992) as amended by the Trade Union Act 2016. Ordinarily, collective agreements are not legally binding but are entered into voluntarily by the parties and are considered "binding in honour only" (*Ford Motor Company Ltd v Amalgamated Union of Engineering and Foundry Workers* [1969] 2 QB 303; TULRCA 1992, s 179). A group of workers forms a trade union and makes an application to be entered on the list of trade unions that is organised by the Certification Officer. Once entered on the list of trade unions, a trade union may apply for a certificate of independence (TULRCA 1992, s 6). Certification of independence is important because it provides union officials and members with the full statutory benefits such as: protection from dismissal and detriment on grounds of trade union membership or activities (TULRCA 1992, ss 145A, 145B, 146 and 152); a trade union can negotiate a dismissal procedure that modifies statutory rights (TULRCA 1992 s 110); and if recognised for collective bargaining, the union has the right to receive information for collective bargaining purposes (TULRCA 1992, s 181). To qualify for the full rights available a trade union needs to be certified as independent of the employer and a recognised trade union.¹⁵ Regarding the welfare system, national law provides for healthcare (National Health Service Act 2006, Health and Social Care Act 2012 and the Care Act 2014), benefits in case of accident at work and occupational diseases (Social Security Contributions and Benefits Act 1992, Statutory Sick Pay Act 1994 and Statutory Sick Pay (General) Regulations 1982 SI 1982/894), state pension (Pensions Act 2014), unemployment benefits (Jobseeker's Act 1995, Jobseeker's Allowance Regulations 1996 SI 1996/207) and long term care benefits (National Assistance Act 1948, Local Authority Social Services Act 1970, National Health Service and Community Care Act 1990 and the Care Act 2014).

¹² Defined in Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA 1992), s 1.


¹³ Defined in TULRCA 1992, s 122.

¹⁴ The Certification Officer is the person responsible for statutory functions relating to unions and employers' association - defined in TULRCA 1992, s 254 e.g. maintaining a list of trade unions, determining statutory recognition applications.

¹⁵ It is important for a trade union to have recognition for bargaining purposes in order to engage in collective bargaining. It can also have recognition for representation purposes. There are two ways in which recognition can be obtained: the employer may voluntarily recognise the union or the union may achieve recognition through the statutory recognition procedure (TULRCA 1992, schedule A1).

 In the **Republic of Ireland**, employment law is based on primary and secondary legislation, with a strong European Union law influence that focuses on the protection of workers' rights and terms. The Workplace Relations Act 2015 provides that two bodies, the Workplace Relations Commission and the Labour Court, deal with complaints and disputes relating to industrial relations and employment law issues. The Workplace Relations Commission is the body to which disputes and complaints involving employment law are initially referred with further appeal possible to the Labour Court. Entitlements and protections regarding working time (Organisation of Working Time Act 1997), fixed-term contracts (Protection of Employees (Fixed Term Work) Act 2003), maternity leave (Maternity Protection Act 1994 and 2004) and annual leave (Organisation of Working Time Act 1997; Payment of Wages Act 1991), are all prescribed in statute or regulations. Educational leave is not provided in national law.

The Irish Constitution recognises the right to earn a living and the right to join trade unions. In general trade unions, employers' groups and the government work together on a series of national collective bargaining agreements covering the public and private sectors. The time limited national agreements serve as the framework for the collective regulation of employment relations. The key guiding principles of social cohesion, industrial peace (absence of strikes where possible) and mutual benefit and solidarity are central to the industrial relations systems in place. Regarding the Irish welfare system, the country provides health care, benefits in respect of accidents at work and occupational diseases, pension, unemployment benefits and long-term care benefits. The eligibility criteria and framework for these provisions are prescribed by statute.

 In **Denmark**, the government and the Danish ministries are not directly involved in regulating working/employment conditions; the government only contributes to the overall formulation of employment policy. However, occupational health and safety is regulated by the Ministry of Employment and the Danish Working Environment Authority. Generally, the national employment law's (arbejdsmiljøloven) purpose is to achieve a safe and healthy physical and psychological working environment that at any time is corresponding with the technical and social development in society. On this basis, companies can solve security and health issues, with help from the labour market organisations, and guidance and control from the Danish Working Environment Authority. Fixed term contracts and maternity leave are protected by national legislation (Act on fixed term employment LOV nr 370 af 28/05/2003; Act on the right to leave and unemployment benefits (Maternity Act) LBK nr 235 af 12/02/2021). Working hours are regulated under the umbrella of health and safety, and the Holiday Act provides for basic annual leave rights.

Freedom of association (foreningsfrihed) is recognised in the Danish Constitution (Constitution of Denmark, Article 78), and no specific juridical permission is required to form a union. The state has no influence in such developments, and only the following requirements have to be fulfilled, namely: a purpose, a board, articles of association and a foundation meeting. The Danish model of industrial relations is characterised by a collective bargaining system based on employers and employees

voluntarily entering agreements regarding salary and working conditions (Due & Madsen S 2008). Trade unions play a major role in the negotiations between employers and employees, and the level of trade union membership and membership of employers' organisations is high. Trade unions are closely linked to unemployment insurance funds (a-kasse), which secures an income for employees, if they become unemployed. Regarding the Danish social welfare system, legislation provides for health care, benefits in respect of accidents at work and occupational diseases, pension, unemployment benefits and long-term care benefits.



In **Finland**, the Ministry of Economic Affairs and Employment is responsible for drafting employment legislation. The legislation is drafted on a tripartite basis, in collaboration with the organisations representing the interests of employers and employees. The working conditions of employees are determined on the basis of legislation and the collective agreements that exist for the various sectors. Examples of the main statutes include the Employment Contracts Act, Working Time Act and the Annual Holidays Act. The Finnish labour market system is based on agreement and mediation. Collective agreements on working conditions and pay between the trade unions and employer organisations have been an established practice for a number of years. The agreements and recommendations of the International Labour Organization (ILO) form the basis for Finnish collective agreements as well. The main principle of the ILO in the development of working life is tripartism, which means co-operation and negotiation between employers and employees' organisations and the country's government (Ministry of Employment and the Economy 2021).

Entitlements and protections regarding working time (Working Hours Act (605/1996)), fixed-term contracts (Employment Contracts Act (55/2001)), maternity leave (Employment Contracts Act (55/2001)), educational leave (Study Leave Act (273/1979)) and annual leave (The Annual Holidays Act (162/2005)), are all prescribed in legislation. Regarding the Finnish welfare system, the Constitution of Finland 2021 guarantees the right of all people living in Finland to adequate social and health services, basic income security, and essential subsistence and care. There is also legislation which provides for health care (Health Care Act (1326/2010)), benefits in respect of accidents at work and occupational diseases (Työtapaturma- ja ammattitautilaki (459/2015)), pension (National Pensions Act (347/1956); Employees Pensions Act (395/2006)), unemployment benefits (Unemployment Security Act (1290/2002)) and long-term care benefits (Työtapaturma- ja ammattitautilaki (459/2015)).



In **Norway**, there are various acts that prescribe minimum employment rights. The Act relating to working environment, working hours and employment protection (the Working Environment Act) regulates the work relations between employers and employees, and persons other than employees (The Working Environment Act LOV-2005-06-17-62). Legal rights regarding working time, fixed term contracts, maternity leave and educational leave, are outlined in the Act as well (The Working

Environment Act LOV-2005-06-17-62, chapter 10, s 14-5, s 12-4 and s 12-11). The Holidays Act prescribes the minimum annual leave entitlement (The Holidays Act LOV-1988-04-29-21, s 5).

The key actors in the collective regulation of employment relations are trade unions, employers' associations and the government. The collective labour relationship is regulated by the Labor Disputes Act (Labor Disputes Act LOV-2012-01-27-9). The national industrial relations system is based on co-operation between employers and employees which in turn is underpinned by four pillars that work in combination, namely: close co-operation at the national level between a strong trade union movement, centralised employers' associations and the state; co-operation between employers and employees at the company level, which provides legitimacy and contributes to productivity and a low level of conflict; co-determination and representation on the board of directors; and individual labour law that protects workers' rights and at the same time emphasises workers' obligations to participate in creating a sound working environment (Loken, Stokke & Nergaard 2013, p. 7-8). There are no special requirements once a group of employees has agreed to organise their interests. Regarding the social welfare system, legislation provides for health care (Patient and User Rights Act LOV 1999-07-02-63), benefits in respect of accidents at work and occupational diseases (Act on Occupational Injuries Insurance (Occupational Injuries Act) LOV 1989-06-16-65), pension (Act on Occupational Pensions (Occupational Pensions Act) LOV 2013-12-13-106), unemployment benefits (National Insurance Act LOV 1997-02-28-19) and long-term care benefits (Act on Occupational Pensions (Occupational Pensions Act) LOV 2013-12-13-106).



In **Sweden**, employment law is minimalistic in character, regulating only structural or organisational features along with some core substantive provision. The constitutional framework only addresses the right to organise, including to form a trade union. The two major legal acts in the field are the Act on Employment Security (Lagen (1982:80) om anställningsskydd, LAS) and the Act on Workers' Influence in Work Life (Lag (1976:580) om medbestämmande i arbetslivet, MBL). The Swedish (legal) labour market system relies heavily on so-called 'labour market parties', for example trade unions and organisations representing employers, agreeing on and regulating the substantive terms governing employment – including some terms that in many countries would be regulated in law (e.g. minimum salaries) through collective bargaining agreements (CBAs). Even on issues that have been regulated in law, the ability to set them aside through CBAs is extensive. There is legislation that addresses working time (Arbetstidslag (1982:673)), fixed term contracts (Lagen (1982:80) om anställningsskydd (LAS)), maternity leave (Föräldradighetslag (1995:584)), educational leave (Lag (1974:981) om arbetstagares rätt till ledighet för utbildning; Lag (1986:163) om rätt till ledighet för utbildning i svenska för invandrare) and annual leave (Semesterlag (1977:480)).

In the Swedish labour market as a whole, most workers are directly or indirectly represented by one of the four major trade union organisations (LO, TCO, SACO and SIF) and the rate of workers who belong to a trade union that falls under one of these organisations is high when compared to other countries.

The largest employers' organisation is Svenskt Näringsliv. Through industry-wide CBAs, these parties regulate the main terms for their members, supplemented by additional CBAs and other agreements, but it also sets a general mark for non-members. Specifically in the field of sports, the main employers' organisation is Arbetsgivaralliansen Idrott which negotiates CBAs with Unionen. The latter is the largest representative for athletes, together with Kommunal, Akademikerförbunden, and Fastighetsanställdas förbund. Regarding the social welfare system, legislation provides for health care (Hälsa- och sjukvårdslag (2017:30) (HSL)), benefits in respect of accidents at work and occupational diseases (Socialförsäkringsbalken (2010:110) (SFB), chs. 39–42), pension (SFB, chs. 53–74), unemployment benefits (Lag (1997:238) om arbetslöshetsförsäkring (AFL)) and long-term care benefits (SFB; and Socialtjänstlagen (2001:453)).

2.3. Legal Status of Athletes in Olympic Sport



In the **United Kingdom (UK)**, national employment law does not prescribe specific measures relating to sport. The legal status of an Olympic athlete under contract with a sports organisation depends on whether the athlete falls within the definition of employee, worker or independent contractor as those terms are defined in statute and the common law.¹⁶ An Olympic athlete will typically enter into a Team Member's Agreement with the BOA during the period of the Games. It is not publicly available and the terms are not known. It is likely that the terms do not expressly establish an employment relationship, although legal status is determined by the courts and the terms of the contract are only one part of the factual matrix that the court will consider when determining the nature of the relationship between the parties (*Uber BV and Others v Aslam and Others* [2021] UKSC 5; *Autoclenz Ltd v Belcher* [2011] UKSC 41). The status of athletes engaged under a BOA Team Member's Agreement has yet to be considered under national law.

An Olympic athlete who is selected to an NF's World Class Programme (WCP) or Podium Potential Programme will enter into an Athlete Agreement with the NF. The Agreement is a template agreement produced by UK Sport and is used across all sports that UK Sport funds. The legal status of an athlete engaged under an Athlete Agreement has been the subject of legal consideration in the sport of cycling. In *Jessica Varnish v British Cycling Federation (t/as British Cycling)* [2021] ICR 44 (EAT), former

¹⁶ In the team sports of rugby union and football, there is legal authority in favour of a professional football or rugby player being classified as an employee: *Gravil v Carroll* [2008] EWCA Civ 689 (part time rugby union player) and *Walker v Crystal Palace* [1910] 1 KB 87 (football player). In the case of *Hall v London Lions Basketball Club (UK) Ltd* [2021] IRLR 17 (EAT) it was not disputed that a professional basketball player is an employee of his club. By contrast, snooker players (*Hendry v World Professional Billiards and Snooker Association Ltd* [2002] UKSLR 5), racing drivers (*Subaru Technical International Inc v Burns* [2001] All ER (D) 195 (Dec); *Nichols Advanced Vehicle Systems Inc v de Angelis* (21 December 1979, unreported)) and professional boxers (*Watson v Prager* [1991] 1 WLR 726; *Warren v Mendy* [1989] 1 WLR 853 (CA)) are generally considered not to be employees.

professional cyclist, Jessica Varnish, claimed unfair dismissal, sex discrimination, victimisation and unlawful detriment against British Cycling and UK Sport. As a preliminary issue, in order to proceed with her claims, Varnish had to establish employee or worker status. At the relevant time, Varnish was a member of British Cycling's Performance Podium Programme. She had a four-year fixed-term Athlete Agreement with British Cycling which expressly stated that it was not an employment contract and that participation in British Cycling's Performance Podium Programme did not create an employment relationship.

Under the Athlete Agreement, British Cycling agreed to develop a performance plan and provide a package of services (e.g. access to the services of a coach and sports psychologist, team clothing and equipment, sports science support, medical services etc.) which had a value of up to £700,000. Membership to British Cycling's Performance Podium Programme could be suspended or terminated for performance-related or disciplinary reasons. In return, Varnish agreed to comply with the performance plan, train with the GB squad, wear team clothing, and engage in contractual appearances, amongst others. She was required to obtain the prior written consent of British Cycling before working in any media capacity and she also agreed not to engage in personal commercial work with any third party without the prior written consent of British Cycling. Owing to her inclusion in British Cycling's Performance Podium Programme, Varnish was eligible to apply to UK Sport for a means-tested grant known as an Athlete Performance Award (APA).

Varnish argued that she was employed by British Cycling, UK Sport or both under a tripartite arrangement. British Cycling argued that the Athlete Agreement was not a contract of service or a contract personally to execute any work or labour, but a contract under which the primary or dominant purpose was to train, support and assist Varnish. The Employment Tribunal agreed with British Cycling and the decision was upheld on appeal to the Employment Appeals Tribunal. Whilst the Employment Tribunal accepted that British Cycling exercised a high degree of control in the relationship, mutuality of obligation and personal service were not present so as to establish an employment relationship. The absence of personal service to do work militated against a finding of worker status. In the Tribunal's view, Varnish did not provide work or skill in consideration for wages which was relevant to the concept of mutuality of obligation and personal performance. She was personally performing a commitment to train in anticipation of gaining selection to compete for Team GB at the Olympics; she was not performing work provided by British Cycling. Moreover, the benefits and services provided to support her training were not remuneration awarded in exchange for work or skill performed. The funding received from a third party was a non-repayable grant based on the assessment of likely future potential and not past factors, and not wages or remuneration. Following *Jessica Varnish v British Cycling Federation (t/as British Cycling)*, Olympic athletes who are selected for a sport's World Class Programme, whether or not they are in receipt of an APA, are very likely to be considered to be engaged under an agreement to train and, accordingly, not an employee or worker. Elite athletes who are

supported by the British Army will have an employment relationship with the Army that is governed by the terms of service for the armed forces.



In the **Republic of Ireland**, there have been no cases that have considered the legal status of athletes in Olympic sports. There are also no specific labour law measures that apply to athletes. The contracts concluded with any of the actors considered in this report do not qualify as employment contracts (see sections 4-7 for details).



In **Denmark**, there are no specific sport-related labour law measures and no cases on the status of athletes in Olympic sports under national employment law. Athletes do not have a contract with **Team Danmark**, although athletes are granted support from Team Danmark. Team Danmark supports elite athletes with funding, guidance and knowledge. There is also no contract between an elite athlete and **DIF**. Olympic athletes are likely to be regarded as students who receive a scholarship. In some respects, the relationship may appear to be an employer/employee relationship because the expectations of the athletes often will be clearly described in a document (e.g. training hours, clothing to wear, performance goals). The document specifying the relationship is not considered to be a contract, but rather a handbook/set of guidelines for being part of the national team.



In **Finland**, there are no specific sport-related labour law measures and no cases on the status of athletes in Olympic sports under national employment law. Outside and during the period of the Olympic Games, athletes have a general contract with the **FOC**. It is not a contract of employment. It provides training and service facilities and is used for the allocation of grants. A similar contract exists with Finnish NFs, including the **Finnish Athletics Federation (Suomen Urheiluliito, RY)**. The so-called Athlete Contract, again, is not an employment contract. Those athletes who are employed by the **Finnish Defence Forces** have an employment contract.



In **Norway**, there are no specific measures in national labour law that relate to elite athletes. There has been a court case regarding the status of an athlete in handball, although not that type of athlete who is the subject of this report.¹⁷ All Norwegian athletes must be a member of a club, including professional athletes (e.g. football players) who have an employment relationship with their clubs. It is rare for individual Olympic athletes to have an employment relationship with a club. Elite athletes are club members and may receive scholarships, prize money and temporary living expenses from an NF, provided the athlete is a part of the national team, but the athletes are not treated as employees and have the status of amateur athlete. There is, however, a contract between **NIF** and the **NF** regarding the provision of stipends of one-year duration to athletes. Under the contract the athlete is considered







¹⁷ See the case of female handball player, Joan Johnson, in which the court held that the player was employed by her club despite receiving very low allowances. The player received free accommodation, car, kindergarten, groceries etc and the court ruled that her relationship with the club was covered by the Working Environment Act.

an amateur athlete and not an employee. In the sport of athletics, athletes who are selected to represent Norway have a contract with the **Norwegian Athletics Federation (Norsk Friidrett)**. The terms of the contract state that the relationship is not an employment relationship (see section 5). No legal challenge has yet been brought against the contract between the Norwegian Athletics Federation and an athlete. Academic opinion is that this may form an employment relationship and infringe the Working Environment Act.



In **Sweden**, during the Olympic Games, athletes have a contract with **SOK**, whereas outside the Games period, elite athletes do not. The classification of the contract is not known as it is not publicly available. Some, but not all athletes, are a part of the SOK's Topp-och Talang programme and may receive a stipend. There are no other relevant agencies in the elite sport system with which elite athletes will have a contractual relationship. The status of athletes in an Olympic sport has been considered under national employment law, in which the issue was whether money an athlete received from **SOK** was a payment for work (RA2004 ref 33). It was held that the payment was not a payment for work but a stipend for tax law purposes. Under Swedish tax law, for a stipend to be paid tax free, it cannot be a payment for a contractual service.

Table 2.1: Potential employment relationships of athletes in the Northern European region.

| Actor / Employment contract available |  UK |  IRE |  DEN |  FIN |  NOR |  SWE |
|---|--|---|---|--|---|---|
| NOC | | | | | | |
| National athletics federation (NAF) | | | | | | |
| Public authority / state agencies without generic focus on elite sport | ✓ | | | ✓ | | |
| Specific elite sport organisation | | | | | | |

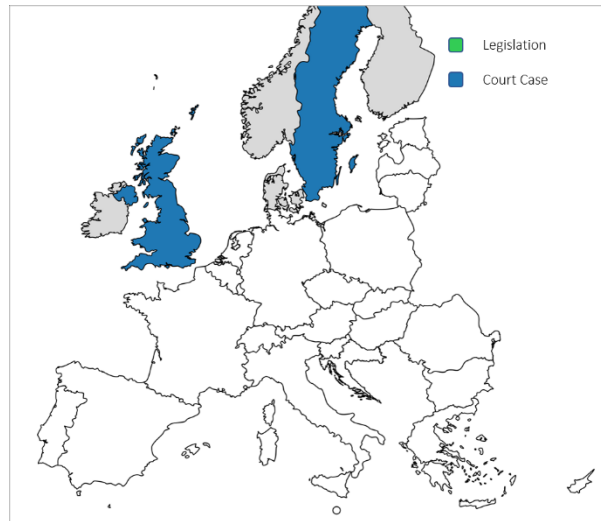


Figure 2.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Northern European region.

2.4. The Role of the National Olympic Committee





In the **United Kingdom**, the **BOA** is responsible for managing and organising Team GB. A **NF** nominates athletes for Team GB who meet the performance eligibility criteria. The final selection decision, however, rests with the BOA. During the period of the Olympic Games, those athletes who are selected for Team GB enter into a Team Member’s Agreement with the BOA. Its terms are non-negotiable and it is produced by the BOA. The document is not publicly available and no further information is available at this time. It is a requirement of selection for the Olympic Games that an athlete signs the Team Member’s Agreement. An athlete may receive benefits under the Team Member’s Agreement such as accommodation, team uniform, transport costs, medical and team support services and access to Olympic Games and pre-Games training facilities. Outside the period of the Olympic Games, the BOA is not in a contractual relationship with elite athletes. Athletes do not receive payments from the **BOA** (e.g. an athlete does not receive prize money for winning a medal). Elite athletes instead have other sources of income such as sponsorship and other commercial opportunities, prize money and appearance payments, specifically from a competition outside the Olympic Games, a full time or part time job, and support from family and friends. There is no collective bargaining agreement between the **BOA** and athletes *per se*, although in March 2020, athletes and the BOA came to an agreement on the BOA’s interpretation and application of the IOC’s Rule 40 (Brandsmiths 2019; BOA 2020; BOA 2021a; Seltmann 2021, p.9-10). Athletes are represented in the BOA by the **BOA Athletes’ Commission**. The BOA Athletes’ Commission Chair sits on the BOA Board of Directors.




In **Ireland**, the **OFI** does not have a contractual relationship with athletes outside the period of the Olympic Games. During the period of the Olympic Games, however, there is an agreement and code of conduct between the OFI and the athlete. Athletes do not receive payments from **OFI**. An athlete does

receive benefits during the Olympic Games period, such as, for example: expenses payments, equipment, accommodation and transportation. An athlete may obtain income from sponsorship and outside employment subject to certain conditions and restrictions which aim to ensure that an athlete is fully committed to maintaining elite status. The restrictions are part of **Sport Ireland's** conditions for funding through the International Carding Scheme (ICS).

 In **Denmark**, there is no contract between **DIF**, either during or outside the period of the Olympic Games. Athletes do not receive income either directly or indirectly from **DIF**. Other sources of income for athletes can include sponsorships, state educational grants or other employment/benefits outside sport.

 In **Finland**, there is a contractual relationship between the athletes, NF and the **FOC**. The contract, known as the Athlete's Training Support Contract, is for training support and/or a grant and covers both the period of the Olympic Games and outside the Olympic Games. The parties to the contract are the athlete, the NF and the FOC. The contract is not a contract of employment and is typically for a one-year duration. It can be terminated if an athlete ends his/her career during the contract or if there is a disciplinary issue such as anti-doping, match-fixing etc. The FOC and its **High Performance Unit** is the delegated entity in charge of the athlete grant contracts even though it is the state or the **Ministry of Education and Culture** who is officially providing the grants. A possible remedy for cancellation is an appeal to a sport's arbitration board. It is generally a standard form contract, with some possibility for negotiation. In 2021, there are 205 elite athletes in a contract with the FOC and an NF. Additionally, for the period of the Olympic Games, an athlete will sign the IOC Eligibility Contract and Finnish Olympic Team Contract. The latter one focuses on the duties of athletes during the Olympic Games (e.g. fair play, anti-doping etc.). The **FOC** and the **NF** allocate money to an athlete and the athlete's coach. The money must be used for specific purposes and is considered as "compensation". A top elite athlete may negotiate individually with **FOC** and the NF for funding; there is a fixed model for funding junior athletes. State grants are fixed by public policy. Other additional benefits from **FOC** and the NF may include reimbursement for expenses relating to training and competition, equipment costs and free expert services. Additional sources of income for elite athletes may include: competition income, grants and compensation from sports clubs, sponsorship, including social media sponsors.

 In **Norway**, there is no general contract between an athlete and **NIF** (see also section 5). Nonetheless, NIF provides some financial support to athletes through the **NF** (see also section 4). An elite athlete may receive a stipend that is funded by **NIF/Olympiatoppen** through the NF (see also section 5). Under the contract the athlete is considered an amateur athlete and not an employee. NIF requires that all athletes are members of a club and athletes are viewed as amateurs.¹⁸ The athlete is not a party to the contract

¹⁸ Note: in some sports, such as football, a professional athlete is usually engaged by a company that the club will form for the purposes of dealing with commercial transactions for its business.

but must sign a declaration stating that she or he agrees to abide by the rules pertaining to training and medical support, nutritional supplements, the values and law of Norwegian sport, and income and wealth. The stipends are divided into three categories (A, B and U). In 2021, 235 individual athletes receive a stipend (125 for winter sports; 110 for summer sports). The number receiving A stipends is 65.¹⁹ Elite athletes from all federations are entitled to use these resources. The stipend is a one-off payment or allowance that is non-negotiable. An elite athlete may also receive direct income from sponsorship, employment outside sport or employment in a club (although this is rare).



In **Sweden**, SOK does not have a contractual relationship with athletes outside the period of the Olympic Games. During the period of the Olympic Games, however, there is a contract between SOK and the athlete. It is not publicly available and no further information is available at this time. The SOK's financial support of athletes generally comes through the programme Topp-och Talang. Athletes are selected to participate in the programme on two grounds. First, the athlete has received a medal at a world championship or comparable elite-level international competition. Secondly, by demonstrating through physical and behavioural testing the capacity to reach this level within three to six years. Athletes who are accepted onto the program and who do not make enough money to support themselves can apply for a one-year tax-free stipend. Additionally, during the Olympics participating athletes receive a *per diem* from SOK. The amount of money is fixed by SOK. Athletes included in Topp-och Talang receive support that is tailored to their needs. This can include: expenses for participating in international competitions and training camps, personnel resources (e.g. sparring partners, coaches, physical trainers) and expenses for equipment, amongst others.

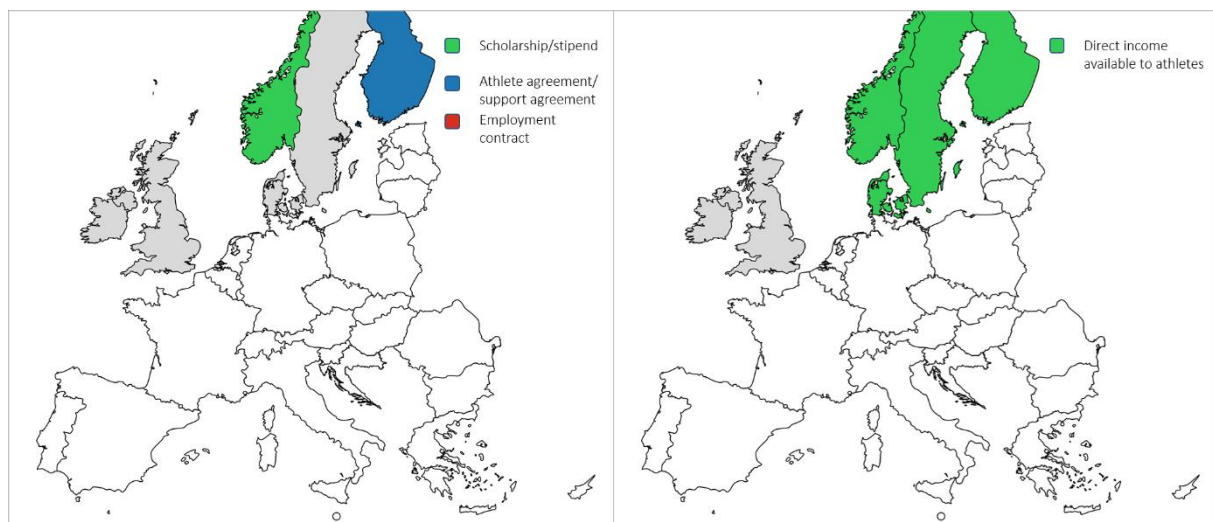


Figure 2.2: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the NOCs of the Northern European region.

¹⁹ For further information, see <https://www.olympiatoppen.no/om_olympiatoppen/stoetteordninger/individuell_utoeverstipend/page5457.html>.

2.5. The Role of the National Athletics Federation




In the **United Kingdom**, **UK Athletics** (which trades under the name British Athletics) is the NF for athletics in Great Britain and Northern Ireland. Athletes who are selected to the UK Athletics World Class Programme (WCP) will likely have an Athlete Agreement with UK Athletics. The athlete must fulfil the performance criteria for selection to the sport's WCP in order to enter the Agreement with UK Athletics. The UK Athletics Athlete Agreement is based on a template that **UK Sport** provides. Clauses that it includes are: the requirement for the athlete to wear team clothing; behaviour requirements; media requirements; sponsorship and personal commercial work; image rights; the athlete's obligation to adhere to the sport's policies (e.g. disciplinary rules, social media guidelines, equality policy etc.); tax; and termination clauses. An Athlete Agreement is usually for a four-year period. Applying the decision in *Jessica Varnish v British Cycling Federation (t/as British Cycling)*, it is very likely that the agreement will be classified as an agreement to train and not a contract of service (required for employee classification) or an agreement to perform work or services personally (required for worker status).

UK Athletics does not pay athletes to train and compete for the national athletics team. Under the Athlete Agreement, an athlete can receive benefits, such as: coaching, welfare, sports science and sport medicine support; travel, accommodation, meals and group transport to events; adequate insurance coverage (see section 10); administrative support in conjunction with participation at an event; team kit, including footwear; expenses properly incurred in attending any conference, photo session or promotion day; and prize money from participation in competitions whether paid directly to the athlete or indirectly through UK Athletics. UK Sport has issued a pregnancy policy for NFs that provides the framework for NFs to develop their own pregnancy policy. Consistent with the framework that UK Sport sets down, if a UK Athletics athlete is in receipt of an Athlete Performance Award (APA) it will typically continue for up to nine months after childbirth (subject to conditions) (UK Athletics 2021, section 18). Also, there may be a specific UK Athletics Team Agreement for each championship outside the Olympics for which the athlete is selected. The parties to a Team Agreement are the athlete and UK Athletics. Under a Team Agreement an athlete can receive: entry and accreditation into the event; team clothing; access to camps; access to medical treatment and therapy during a camp and athletics event; travel arrangements, accommodation/travel; management of media requests; access to advice from medical, sport science and anti-doping teams; and insurance under the UK Athletics' insurance policy.



In the **Republic of Ireland**, outside the period of the Olympic Games or an international sporting event, Irish athletes in the sport of athletics have a contract with the **Athletics Association of Ireland (Athletics Ireland)**. Athletes sign a code of conduct, which is a basic contract. To enter into the contract, athletes must agree to abide by the rules of Athletics Ireland on a range of issues, including sponsorship, anti-doping etc. Athletes will also need to meet certain performance criteria. An Olympic athlete is unlikely to have a contract during the Olympics or an international event with Athletics Ireland. If the athlete is in receipt of funding under the International Carding Scheme (ICS), **Athletics Ireland** will manage the

funding payments on behalf of Sport Ireland. Athletes may receive other benefits from Athletics Ireland to support their career (e.g. expenses payments, equipment, accommodation and transportation when in competition).

 In **Finland**, during and outside the period of the Olympic Games or an international sporting event, Finnish athletes in the sport of athletics have a contract with **Finnish Athletics (FA)**. The parties to the contract are the athlete and FA. It is not an employment contract and is called the Athlete Contract. It is based on the athlete's training plan and under the Athlete Contract, the FA agrees to support the athlete's training and coaching. It also covers selection procedures and participation in international competitions. It is a contract of one-year duration. It can be terminated by the FA in circumstances of anti-doping rule violations. The remedy for contract termination is to take the matter to the FA's own conciliation body and then appeal to the sports' arbitration board, which is an independent and impartial entity whose task is to resolve sports-related appeals. The contract is a standard form contract which can be negotiated; in many cases it is the manager who negotiates on behalf of the athlete. To enter into the contract, the athlete must meet certain performance criteria. There is also a special contract for those athletes outside the group of FA contract athletes, who qualify for the Olympic Games. In 2021, FA has under contract 87 athletes (including para-athletes), of which 45 belong to the FOC's supported athletes' programme. FA provides funding to elite athletes who qualify for an Athlete Contract. The funding is classified as compensation. Any support received from FA may be negotiated with top athletes; a fixed payment model exists for junior athletes. Other benefits include all kinds of reimbursements related to training and competition, equipment costs and free expert services. Other sources of income for athletes include competition income and bonuses, grant or compensation from a sports club, sponsorship and athlete brand sponsorships on social media.

 In **Norway**, athletes in the sport of athletics have a contract with the **Norwegian Athletics Association**. To enter into a contractual relationship, athletes must meet certain performance criteria (e.g. obtain a top six placing in a European Championship or a top 12 placing in a World Championship or be shortlisted in the top 20 by World Athletics) and be selected for the national team. Additionally, athletes must pass an "IRunClean" anti-doping programme. The agreement states that it does not imply an employment relationship. An athlete who is not in the national team but is nonetheless selected to represent Norway at a specific event, may also have a contract with the Norwegian Athletics Federation for that specific event. The contract duration is one year. The contract may be terminated in two situations: first, the athlete withdraws from the national team; or there is a reduction in the federation's funding. It is a standard form contract and must correspond to **NIF's** sport law. Accordingly, it is not dissimilar to the contracts of other NFs. In 2021, there are 23 athletes selected for the national team. Twenty more athletes receive a stipend.

Athletes in the national team for the sport of athletics are guaranteed an income of about €40,000 a year. This is an allowance from the Norwegian Athletics Association and the same individuals will

normally be in receipt of a stipend from **Olympiatoppen**. Norwegian Athletics provides stipends to selected athletes (currently about 20) of between €1,000-€10,000. The stipend is a fixed amount and is not subject to negotiation. Other benefits that the athlete may receive from the Norwegian Athletics Association are outlined in the Athlete Contract and may include: access to training facilities, food, accommodation and health services at Olympiatoppen, sponsor products and insurance (see sections 9 and 10). To receive a stipend, an athlete must declare that doing elite sport is their main occupation and that they are integrated into the elite sport program of the Norwegian Athletics Association. Any deviation must be agreed by the Norwegian Athletics Association and NIF/Olympiatoppen.



In **Sweden** and in **Denmark**, athletes in the sport of athletics do not have a contract with their respective national athletics associations. In **Sweden**, athletes who participate for the national team in competitions receive a *per diem* of 300 SEK (€29) per day when competing (*except the Olympic Games* when athletes are paid by **SOK**). The extent of this varies by athletic discipline and is generally very limited. The NF has very limited funds to distribute and very few formal agreements, and works actively to connect athletes, potential sponsors, and other contacts. The amount is fixed and is not subject to negotiation. If athletes (at least those active in athletics) are employed, it is by local clubs. The extent and terms of employment, such as income, vary greatly depending on the club. Sponsorships are common and some high-level athletes also have an income from competition prize winnings. Most athletes obtain some other source of income, such as study support or work in other sectors. In addition, a small number of athletes receive a yearly stipend of 10,000 SEK (€980) from Swedish Athletics that can be used towards expenses payments, equipment, accommodation and transportation. Swedish Athletics also finances several performance centres around Sweden where athletes can receive testing, training, and education, sometimes for free or at subsidised rates.



In **Denmark**, the **Danish Athletics Association (Dansk Atletik Forbund, DAF)**, together with Team Danmark, classifies elite athletes to determine the athlete's access to financial support and services with the DAF and Team Danmark. In general, the relationship between an elite athlete and an NF is not an employment relationship. Olympic athletes should rather be regarded as students who receive a scholarship. **DAF** works with Team Danmark to offer elite athletes economic support, coaching, access to facilities, equipment and travel expenses. Other benefits provided by Team Danmark in conjunction with the NFs include: training camps, equipment, physiotherapy, testing and counselling, amongst others.

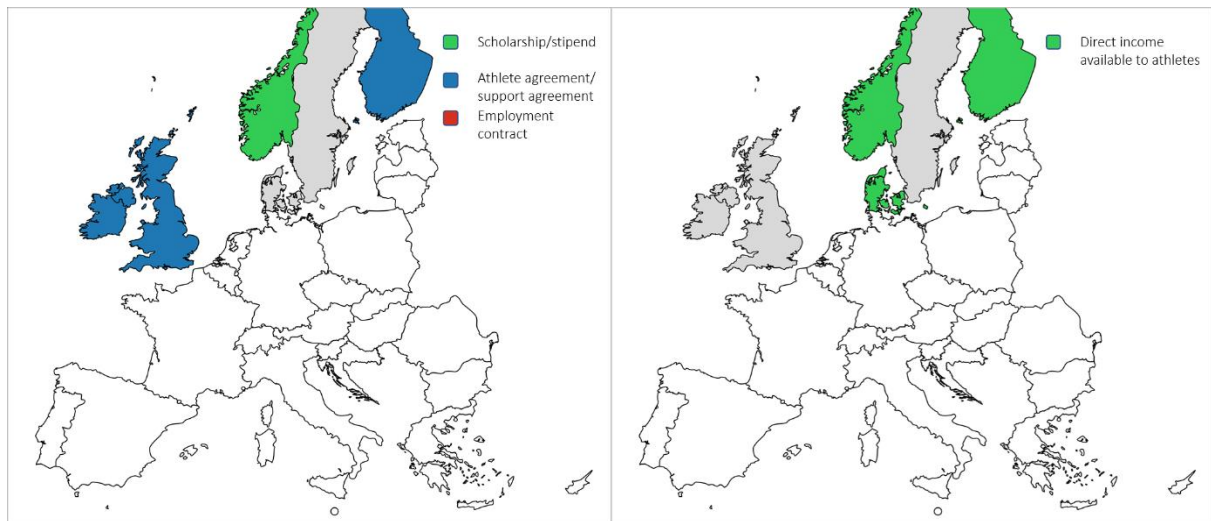


Figure 2.3: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the National Athletics Federations of the Central European region.

2.6. The Role of Public Authorities Without a Generic Focus on Elite Sport



In the **United Kingdom (UK)**, the **British Army** has a role in supporting and developing elite athletes. The Army has an employment contract with soldiers and a soldier who demonstrates potential at elite sport, may apply for and be selected for the Army's Elite Sport Programme (AESP). The Army's obligations and the army elite athlete's obligations, and the conditions of support, are outlined in the Army Elite Athlete Covenant. The duration of the Army Elite Athlete Covenant is typically one year and coincides with the athlete's acceptance on to the AESP or Talented Athlete Scholarship Scheme (TASS).²⁰ An elite army athlete will continue to receive his or her military salary, which will be supplemented by the amounts of any funding support received under the AESP or TASS if the athlete is eligible. Soldiers accepted on to the AESP are divided into three tiers. Tier 1 AEPB athletes are accepted on an NF's World Class Programme and will be able to devote up to 12 months to train and compete full time. Tier 2 athletes have the potential to achieve podium status but require further time to develop and are usually a part of TASS. Tier 3 athletes typically receive a scholarship from the Army. Tier 2 and 3 athletes receive support alongside undertaking military duties.



In the **Republic of Ireland**, the **military** has played a role providing support in equestrian and boxing on an *ad hoc* basis, but there is no formalised contractual relationship between the Irish military and elite

²⁰ The Talented Athletic Scholarship Scheme is a funded partnership between athletes, education institutes and NFs that assists athletes in education (16+) to pursue sport and an academic career. It is funded by Sport England and is part of the Sport England Talent Pathway – see also section 1.

athletes (when compared, for example, to Finland or the UK). In that regard, the military has a limited role to play in the elite support system.



In **Finland**, athletes who are employed by the **Finnish Defence Forces** have an employment contract. The Defence Forces inform the FOC and NFs of vacancies, athletes apply and the FOC ranks the applications, although the final decision rests with the Defence Command. In 2021, athletes who are employed by the Finnish Defence Forces represent the sports of cross-country skiing, orienteering, wrestling, athletics, biathlon, judo and shooting. The contract is for three years and may be renewed up to a maximum of 15 years. An athlete is obliged to complete the contract period. If the athlete ends his or her sports career, the employment contract continues to the end of the three-year period, with the athlete completing the normal employment tasks for the position. To obtain a contract, the athlete must have demonstrated international success. In 2021, there are: 12 temporary employment positions for elite athletes whose main task is to train and compete; an additional five athletes, who are employed by the Defence Forces and Border Guard and are “highly supported”, but train alongside their work; and a number of athletes who are less well supported.

Those athletes who are employed by the Defence Forces receive a regular monthly salary. The athlete can also receive a state grant concurrently with their employment, and may benefit from other additional sources such as competition income, sports clubs’ grants and compensation, sponsorship, including social media sponsorships. The 12 athletes who are employed by the Defence Forces have contracts that provide for holidays, parental leave, and working time, which on average is calculated as 7 hours and 15 minutes per day. Seventy percent of that working time can be used for training and sport. A violation of integrity rules, such as anti-doping, can result in a loss of athlete benefits. Also, the athlete is required to participate in teaching and public relations activities and take part in competitions organised by the **Finnish Defence Forces**.



In **Norway, Sweden and Denmark**, there are no public authorities, entities or state agencies, such as the military, without a generic focus on elite sport, that support athletes in the elite sport system.

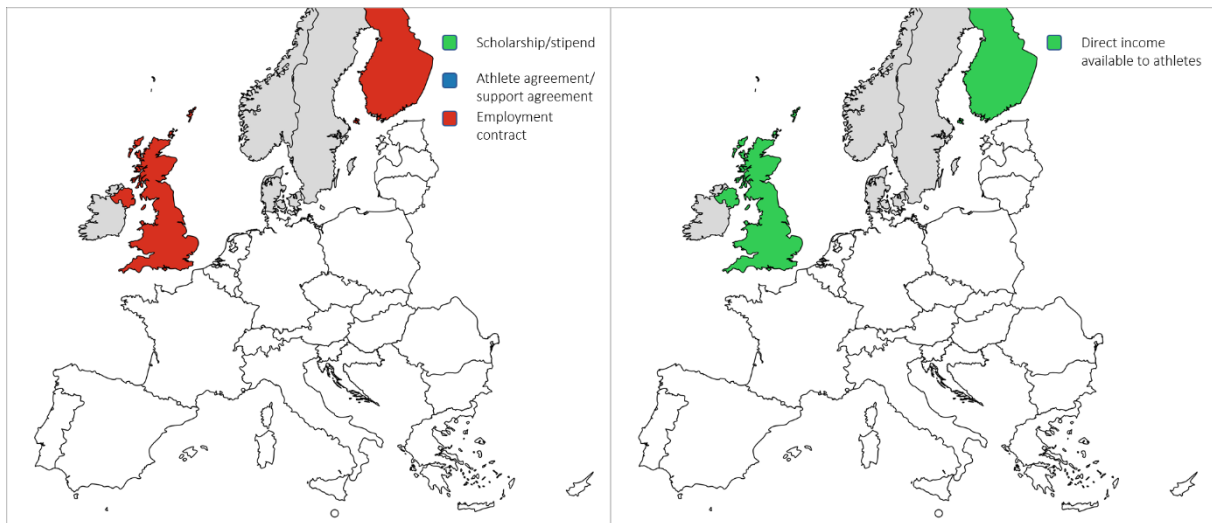


Figure 2.4: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from public authorities without a generic focus on elite sport of the Northern European region.

2.7. The Role of Specific Elite Sport Organisations



In the **United Kingdom**, **UK Sport** provides a tax-free, means-tested grant to elite athletes in the form of an Athlete Performance Award (APA). It is awarded on an annual basis and covers the period during and outside the Olympic Games to support an athlete's living and expenses while training and competing. To be eligible for the APA, an elite athlete must be selected for an NF World Class Programme. An athlete applies to UK Sport through the NF for the APA and UK Sport retains the discretion to reject the application. If successful, there are terms and conditions attached to the award. The terms and conditions do not form an employment contract between UK Sport and the athlete, and include a clause that both are independent contractors. The terms and conditions underpin the funding arrangement which lasts for 12 months, and include an obligation on the athlete to make promotional appearances for the National Lottery and obligations regarding anti-doping and gambling. In the period ended 31 March 2020, UK Sport funded 1074 athletes (UK Sport 2020, p.13). The APA is funded by the National Lottery and is a fixed amount that is not subject to individual or collective negotiation. It is means tested and based on the future performance of the athlete. An athlete is categorised as Podium or Podium Potential and the funding awarded accordingly. In addition to an APA, an athlete may obtain income from other sources such as, sponsorship and commercial opportunities, prize money or appearance payments, another full time or part time job or support from family and friends. The only restriction on pursuing additional work is the APA earnings threshold. The APA is means tested and if the athlete's

income from other sources exceeds the threshold (which in 2020/2021 is £65,000, including the APA), then the athlete will not be eligible for the APA.²¹

 In the **Republic of Ireland**, **Sport Ireland** provides funding through the International Carding Scheme (ICS) to support Irish athletes to achieve medals at championship events, the Olympic Games and Paralympic Games. ICS awards are based on prescribed criteria and guidelines.²² The ICS Guidelines outline terms and conditions to which an athlete agrees. For example, an athlete agrees to: be bound by the ICS terms and conditions; comply with any relevant NF agreement; abide by certain conduct requirements, including anti-doping rules; and follow an agreed performance programme, amongst others. The money received under the ICS Scheme is described as funding to support Irish athletes to reach finals and win medals. Athletes who are accepted onto Sport Ireland's ICS receive a quarterly payment from **Sport Ireland**. The amount received depends on the athlete's classification as a podium, world class or international athlete and the level of competition.

In 2021, podium athletes receive up to €40,000; world class athletes receive up to €20,000; and international athletes receive up to €12,000. The amount of money is not subject to collective negotiation. Sport Ireland also provides access to support, through the Sport Ireland Institute, in the following areas: strength and conditioning, rehabilitation, nutrition, physiology, medicine, performance analysis, education and life skills. Support services are built into the athlete's performance plan with an NF and managed by the NF in conjunction with the Sport Ireland Institute (Sport Ireland 2021, p.13). There are no contractual provisions regarding working time and rest days.

 In **Finland**, during and outside the period of the Olympic Games there is a contract between an elite athlete and the **Ministry of Education and Culture** which allocates grants. The **FOC** and its **High Performance Unit (HPU)** are responsible for administering the contracts. To be eligible for the grants, athletes must meet performance criteria (e.g. €20 000 - top athlete in international level, potential medal candidate in the Olympics or Paralympics; €10 000 - stable position in top 16/Olympic sports or top eight/Paralympic sports and expectation of future top eight/medallist; young potential athletes, or athletes with potential to win medal in world championships/Olympics/Paralympics; and €6000 - young or promising future athletes). Athletes do not have a contract with the **Urhea Sports Academy** during or outside the Olympic Games. In 2020 and 2021, the grant allocation from the **Ministry of Education and Culture** is as follows:

²¹ See further the description of the threshold and eligibility criteria set out in Appendix 1 of the British Athletics (UK Athletics) 2020-2021 World Class Programme Selection Policy – Olympic Athletes, available at <<http://www.uka.org.uk/wp-content/uploads/2020/10/2020-2021-World-Class-Programme-Selection-Policy-Olympic-Athletes-updated-26.10.2020.pdf>>.

²² See further the Sport Ireland website <<https://www.sportireland.ie/high-performance/high-performance-investment/individual-athlete-support/international-carding-5>>.

Table 2.2: Grant allocation of the Finnish Ministry of Education and Culture.

| In 2021 (summer sport): | In 2020 (winter sport) |
|---------------------------------------|----------------------------|
| Total 162 person, € 1 424 000 million | Total 101 person/ €884 000 |
| Distribution: | |
| 20 person/ €20 000 | 11 person/€20 000 |
| 43 person/€10 000 | 31 person/€10 000 |
| 99 person/€6 000 | 59 person/€6 000 |

The grant is tax-free income. It allows student-athletes to receive study-related subsidies. An athlete's income may not be over €80,000 per year to be eligible for the grant. If income exceeds the threshold, an athlete does not receive a grant at all. There are also study grants for student athletes: €1,500 or €3,000 per year. The state grant is fixed by state policy. Athletes are also able to earn additional sources of income, if in receipt of a state grant. The **Urhea Sports Academy** offers benefits that support athletes e.g. training facilities, training lessons, expert services. Accommodation and meals are supported by using public sector housing benefits and study allowances. There have been no court cases regarding the working time of elite athletes.



In **Norway**, the only specific national elite sport organisation is **Olympiatoppen** which is a department of **NIF**. Its role is to support the athlete in accordance with, but not independent of, the NF. The only contractual relationship with NIF/Olympiatoppen is through stipends of one-year duration. The applicant is the NF to which the athlete belongs and not the athlete. Despite this, the athlete must sign a self-declaration stating that she/he abides by the rules pertaining to training and medical support, nutrition supplements, the values and rules and regulations of Norwegian sport, and income and wealth. Under the contract, the athlete is considered an amateur athlete and not an employee. There are three categories of stipend: A, B and U. In 2021, 235 individual athletes (125 for winter sports, 110 for summer sports) receive a stipend. The number of athletes receiving A stipends is 65. The stipend is a one-off payment or an allowance and is not subject to negotiation. There are three categories of stipend. The A stipend is €12.000 a year, provided the athlete does not earn more than €50.000 a year. The B stipend is €7000 and the U stipend €6000. The criteria for an A-stipend are: an athlete must be a medal winner in the Olympics or Paralympics or among the three best overall in the World Cup of the specific Olympic sport. In the case of poor performance or absence of performance because of injury, pregnancy etc., the athlete may still be entitled to a stipend the year after her/his peak performance. Criteria for B stipends are less demanding, but still the requirement is to have top results in the Olympics, Paralympics, World Cups etc. The U stipend is for a talented athlete under 24 who is assessed to have

the potential to reach the top of her/his sport.²³ Additional sources of income can come from sponsorship, employment in a club (rare) and employment outside sport.



In **Sweden**, the **Swedish Sports Confederation (Riksidrottsförbundet, RF)** distributes public funds to support all sports. Most NFs belong to RF, which in many regards is the main top-level sports organisation in Sweden, although it largely coordinates the NFs rather than exercise power over them. It does not have a contractual relationship with, or provide funding directly to, elite athletes.



In **Denmark**, **Team Danmark** is the specific national elite organisation whose mission is, together with the NFs, to support elite athletes. Athletes who meet certain criteria can receive different kinds of support, including financial support. Team Danmark does not have a contract with elite athletes outside or during the Olympic Games. **Team Danmark** provides individual athletes with economic support and services to assist their performance. The support is generally provided as grants for housing, food, transport etc. and is done in partnership with the NFs. The funding is based on individual negotiation and is an assessment of the athlete's performance potential and economic need. The latter takes the following into account: the athlete's earnings/salary; if the athlete pays for sports-related expenses; if the athlete has maintenance obligations; if the athlete lives at her/his parents or by herself/himself; the athlete's educational level and age; and if the athlete has received prizes/scholarships/honours or other one-time payments for her/his sporting activities, together with other relevant factors. The grant is not a regular salary, but can be either an individual advanced payment or monthly/quarterly payments for a limited time or single payments for equipment, travel expenses etc. The **Board of Team Danmark** allocates prize money from funds granted from the Ministry of Culture to athletes who win Olympic medals. In Rio 2016, the prize money for an individual athlete was: 100.000 DKK (13.450 €) for a gold medal; 70.000 (9413 €) DKK for a silver medal; and 50.000 DKK (6724 €) for a bronze medal. For team sports, the prize money was: 750.000 DKK (100.853 €) for a gold medal; 500.000 DKK (67.235 €) for a silver medal; and 250.000 DKK (33.618 €) for a bronze medal.

²³ See further the Olympiatoppen website, <https://www.olympiatoppen.no/om_olympiatoppen/stoetteordninger/individuell_utoeverstipend/page5457.html>.

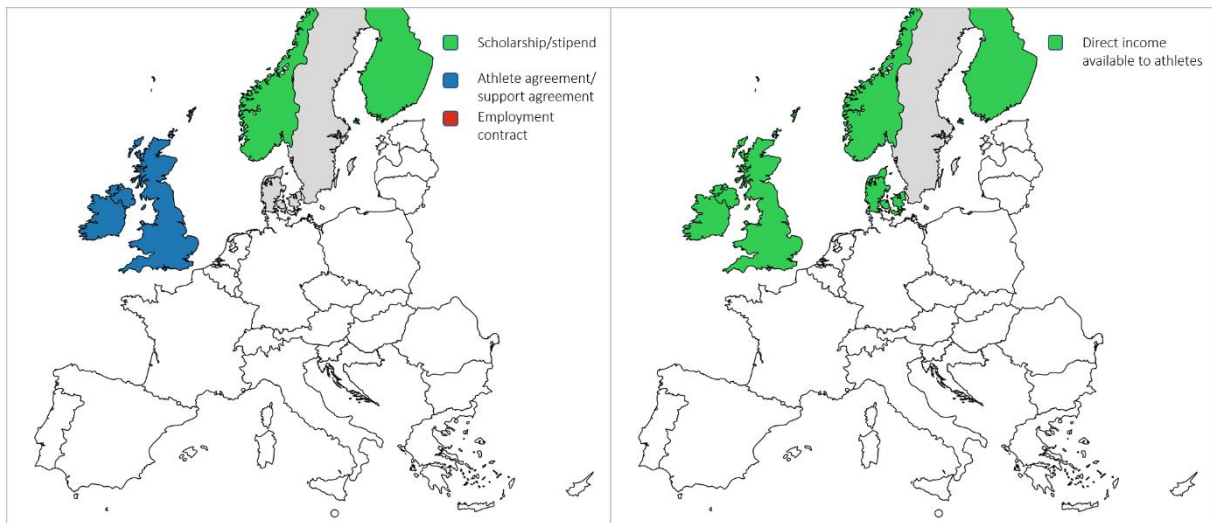


Figure 2.5: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from specific elite sport organisations of the Northern European region.

2.8. Sponsorship, Self-Marketing and Additional Work




In all of the five countries which are the subject of this report, Olympic athletes are able to derive income from personal sponsorships, subject to varying degrees of restriction. In the **United Kingdom (UK)**, Olympic athletes are able to obtain personal sponsorships, subject to restrictions pertaining to the application of the IOC’s Rule 40. The BOA’s Rule 40 Guidelines for Brands (Non-Olympic) and Agents (updated April 2021) (BOA Guidelines) regulate athlete sponsorship activities for the period of the Olympic Games. The BOA Guidelines were the subject of a collective dispute between the BOA and Olympic athletes in 2019 and 2020. In November 2019, a group of elite Olympic athletes instructed legal representatives and challenged the (then) BOA’s interpretation of Rule 40. The athletes alleged that the BOA’s interpretation of Rule 40 was anti-competitive and unfair for Olympic athletes because it restricted athletes’ rights in and around the Olympic Games, and prohibited athletes from engaging in individual partnerships around the Olympic Games (Brandsmiths 2019). The athletes pointed to a successful challenge to Rule 40 in Germany in support of their position (ibid). The dispute was eventually resolved through dialogue between the BOA and the athletes and resulted in amended guidelines (BOA 2020; BOA 2021a). Examples of the restrictions applicable under the BOA Guidelines include: non-Olympic partners/brands are permitted to use an athlete’s image during the Games (if certain conditions are met); and an athlete may post “thank you messages” to a sponsor on social media (subject to maximum amounts such as a maximum of 10 messages per athlete) throughout the Games period.

There are no sponsorship restrictions in UK Athletics regulations, but in the template Athlete Agreement supplied by UK Sport there are clauses relating to sponsorship and team clothing and a

personal sponsorship/branding policy. The latter policy confirms that an athlete may enter into a personal sponsorship agreement subject to certain guidelines (e.g. the athlete may not put any branding on the athlete's team kit or racing suit; she/he must not wear any team kit when representing a sponsor unless the personal sponsor is a sport's sponsor too, etc.). UK Sport provides athletes with a means-tested APA. While not a restriction *per se*, an athlete who exceeds the threshold income will be ineligible to receive an APA. It is not known whether UK Sport provides standard contracts for athletes to use for a sponsorship deal. Neither is it known whether the BOA, UK Sport or UK Athletics provide training for athletes on how to grow a brand or obtain commercial opportunities. There have not been any court cases regarding the relationship between Olympic athletes and sponsors. There are no policies, regulations or contract provisions that restrict an athlete from pursuing additional work.

 In the **Republic of Ireland**, the **OFI** and **Athletics Ireland** offer a standard or model contract as a service that athletes may find useful for sponsorship deals. There are no legal cases regarding disputes or court decisions regarding the relationship between athletes and sponsors. Tensions, however, can arise when different or competing sponsors are involved with both OFI and Athletics Ireland or the athlete and a recent agreement between OFI, Athletics Ireland and athletes sought to resolve the issue (OFI 2020). It is not known whether the OFI or Athletics Ireland offer athletes, training on how to self-market or secure commercial opportunities. There are restrictions on self-marketing in the form of the OFI's Guidelines on the application of IOC Rule 40. Additionally, an athlete's funding may be withdrawn if full-time work restricts the athlete's ability to fulfil the criteria of the ICS (e.g. the athlete's working time detrimentally affects her/his capacity to train, compete or comply with certain requirements such as anti-doping requirements).

 In **Denmark**, none of **DIF**, **Danish Athletics Association (Dansk Atletik Forbund, DAF)** or **Team Danmark** provide standard contracts as a service that athletes may use for sponsorship deals, nor do the entities offer training on self-marketing or obtaining commercial opportunities. There are also no legal disputes or court decisions that specify the relationship between athletes and sponsors. There have been issues of a conflict of interest between an athlete's private sponsor and the sponsor of DIF or an NF. For example, in the Danish Football Association (Dansk Boldspil Union), during negotiations, sponsors demanded reassurance that all players would be willing to promote their products, which can potentially interfere with the personal sponsorship agreements of some players. There are no restrictions on self-marketing or seeking commercial opportunities in the regulations of DIF, DAF or Team Danmark, or restrictions on athletes pursuing additional work.

 In **Finland**, the **FOC** does not provide standard contracts as a service that athletes may use for sponsorship deals. **Finnish Athletics**, however, has a contract that includes three parties: Finnish Athletics, the athlete and the sponsor. Under the contract the athlete can move money to an athlete fund and use it for compensation of sport-related costs or save it for a post-athletic career. Finnish Athletics also offers publicity for the athletes through its sponsorship deals. In some cases, the sponsor

may want to have, for example, a “Team Peugeot” and to support the athletes directly by offering a car for free use. Sports academies may also provide courses which assist an athlete to improve self-marketing. Regarding restrictions on self-marketing and commercial opportunities, the FOC has some soft restrictions that relate to overlapping sponsorship deals. For example, if an athlete informs the FOC about his or her sponsorship deal before the Athlete Training Support Contract is agreed, then the sponsorship is permitted. However, after the contract is signed, the athlete is not able to make deals with the same line of business as the FOC or NF. If the athlete wishes to receive a state grant, the athlete’s income from other commercial activities must not exceed €80,000 per year. There are no policies, regulations or contract provisions that restrict a Finish athlete from pursuing additional work.



In **Norway**, the conflict between personal sponsors and the requirements of sports organisations is a recurring topic that is most pronounced among alpine and cross-country skiing stars. The alpine skier Henrik Kristoffersen sued the Norwegian Ski Federation in order to ski with his own sponsorship logo on his helmet; the court found in favour of the ski team (*E-8/17 Kristoffersen v Norwegian Ski Federation* [2019] 2 CMLR 6). **NIF/Olympiatoppen** does not provide standard contracts as a service that athletes may use for sponsorship deals. It is not known whether organisations within the elite sport movement provide education or training to elite athletes regarding marketing and obtaining commercial opportunities.

Regarding restrictions on marketing and commercial opportunities, chapter 14 of the NIF’s laws states that the association (national, district, club) which organises an event has the commercial and media rights to the event, if it does not interfere with the rights of the superior association (NIF in the case of a national athletics federation event, for instance). Athletes’ commercial agreements with third parties must be approved by the NF, and athletes may not establish any employment relationship with a third party unless the occupation is of a non-sporting nature. An employment relationship of a sporting nature is only permitted with NFs that fall within the NIF pyramid (which is infrequent outside team sports). Within the constraints set by the respective NF, athletes own their name, picture, and signature rights. However, athletes are obliged to participate in commercial activities organised between the respective association (club, national team, other) and a third party. This obligation is conditional, and athletes may refuse to partake for ethical or moral reasons. If an athlete is found to have breached the World Anti-Doping Code any payment from association sponsorship will be terminated. Regarding whether any policies, regulations or contract provisions restrict an athlete from pursuing additional work, to obtain a stipend, an athlete must declare that doing elite sport is their main occupation and that they are integrated in the elite sport programme of the special sport association. Any deviation from this must be agreed by the NF and NIF/Olympiatoppen.



In **Sweden**, none of the **SOK**, the **Swedish Athletics Association** or the **Swedish Sports Confederation (Riksidrottsförbundet, RF)** provide standard contracts as a service that athletes may use for sponsorship deals. There have also been no conflicts or political debates regarding the relationship between

athletes and sponsors. NFs endeavour to support athletes by facilitating contacts between them and potential sponsors such as commercial entities with which the NF may have a sponsorship agreement. The **Swedish Athletics Federation (Svensk Friidrott)** assists athletes to make contact with sponsors (without requiring, influencing, or being a party to any such potential sponsor agreement). It is not known whether the SOK has any rules or regulations that restrict sponsorship opportunities for athletes in connection with the Olympic Games (e.g. a regulation equivalent to Rule 40). It is also not known whether there are any policies, regulations or contract provisions which restrict Swedish athletes from pursuing additional work.

2.9. Occupational Safety and Health



In the **United Kingdom**, there are no specific national laws or court decisions that consider the health and safety provision for elite athletes.²⁴ The issue of upon whom the duty of health and safety falls and the extent of that duty is uncertain. There are no specific laws that cover athletes and the Health and Safety at Work Act 1974 requires an employment relationship. Liability for health and safety at common law arises under contract (e.g. the implied term of reasonable care in an employment contract) or under tort law, particularly the principle of negligence.²⁵ The law of negligence applies to cases of sports injuries (*Condon v Basi* [1985] 1 WLR 866); whether liability arises and upon whom it arises will depend very much on the circumstances of the particular case.²⁶ The Provision and Use of Work Equipment Regulations 1998 SI 1998/2306 require an employer that provides employees and the self-employed with equipment for use at work to manage the risk that may arise from use of that equipment. For example, an employer must ensure that equipment is suitable for its intended use, safe for use, maintained in a safe condition and inspected to ensure that it is correctly installed and does not deteriorate and is used only by people who have received adequate information, instruction and

²⁴ Note case of *Hyde v Steeplechase Co (Cheltenham) Ltd* [2013] EWCA Civ 545 which involved a claim brought by a jockey under the Provision and Use of Work Equipment Regulation 1998 SI 1998/2306 for injuries suffered when he fell off a horse into a railing that marked the perimeter of the race course.

²⁵ The principle of negligence establishes that a duty of care is owed to anyone who ought reasonably to have been foreseen by the defendant as being affected by the defendant's actions; the duty is to take reasonable care to avoid causing injury to people or property foreseeable as potentially at risk from harm; and the particular circumstances of any given case will determine whether a duty can be established and whether it has been breached: *Donoghue v Stephenson* [1932] AC 562.

²⁶ See *Watson v British Boxing Board of Control* [2001] QB 1134 followed in *Wattleworth v Goodwood Road Racing Company Ltd, Royal Automobile Club Motorsports Association Ltd (RACMA) and Federation Internationale de l'Automobile* [2004] EWHC 140 (QB). Although not certain, an international federation may be found to owe a duty of care to athletes at a national level, in circumstances of the international federation assuming responsibility for the development, implementation and enforcement of safety protocols for its sport, notwithstanding the potential extensive liability: James 2021, para G1.77.

training, amongst others. A court has not yet considered the application of these Regulations to a situation involving an Olympic athlete.

Finally, it is difficult given the amount of information publicly available about contract and funding etc. to ascertain the health and safety provision made by entities involved in the elite sports system. However, the BOA and UK Athletics provide insurance when an athlete is competing for their respective teams in competitions. The BOA also provides access to medical services when athletes are competing for Team GB. UK Athletics also provides access to medical facilities and services, which will include mental health services, check-ups and information regarding anti-doping. The army provides elite athletes selected for the Army Elite Sport Programme (AESP) with access to medical services/facilities and check-ups, anti-doping and drug testing education.



In the **Republic of Ireland**, there are no specific national laws or court decisions that consider the health and safety provision for athletes. The **OFI** and **Athletics Ireland** owe a health and safety obligation to athletes while they are training and competing. The Health and Safety Authority of Ireland oversees all matters in this regard. Accident insurance and mental health provision is provided by the OFI and Athletics Ireland; medical check-ups or access to medical facilities is provided by the OFI, Athletics Ireland and **Sport Ireland**.



In **Denmark**, there are no specific national laws or court decisions regarding the health and safety of athletes. Owing to the fact that Olympic athletes are generally considered to be in a relationship similar to that of a student, elite athletes are not subject to employment and labour laws from which a health and safety obligation might arise. The Act on Elite Sport, however, provides that “social and cultural” appropriate measures should be applied, which could encompass health and safety measures and provide guidance – yet not guidance that is legally binding. During the period of the Olympic Games, an athlete selected to represent Denmark will be covered by **Team Denmark’s** accident insurance, if an accident occurs during Team Denmark-related activities. Elite athletes can access the same protections as Danish residents. Additionally, some entities within the sports movement provide some social protections. The Danish Olympic Committee does not provide any accident insurance, mental health services, protective equipment, information or education on potential sources of harm and risk, safety policies, medical check-ups or access to medical facilities. All of those with the exception of access to medical facilities are provided by **Team Denmark**. By way of example, Team Denmark offers athletes the services of a sports psychologist, has developed a guide on injury prevention and employs a team of doctors, physiotherapists and sports masseurs. **DAF** provides some mental health services, protective equipment, information and education on potential sources of harm and risk, safety policies, access to medical facilities and medical check-ups. It does not provide mandatory accident insurance.



In **Finland**, if an athlete’s yearly income as an employee exceeds €11.800, the athlete must pay a compulsory athlete’s accident and pension security law contribution (Athlete’s Act and Pension

Security Law 276/2009 (Laki urheilijan tapaturma-ja eläketurvasta 276/2009)). The law is generally only applicable to professionals in soccer, ice-hockey and basketball, which are sports that are not covered by this report. Elite athletes in Olympic sports are covered by the Health Care Act. Public health and social services are available for all Finnish citizens and are not designed specifically for athletes and their needs. Therefore, athletes' health care is a combination of public services and the sport system's own practices. The **FOC**, **Finnish Athletics** and **Finnish Defence Forces** provide mandatory accident insurance, mental and physical health provision, information and education on potential sources of risk and harm, medical check-ups and access to medical facilities. All top athletes are covered by the FOC's health care programme, which includes medical checks and physiotherapy services etc. The top Finnish Athletics athletes are part of this programme. The **Urhea Sports Academy** has applied for permission to organise private health care licences from Valvira, which is the Finnish national agency that operates under the Ministry of Social Affairs and Health and is charged with licensing social and healthcare providers.²⁷ It does not provide mandatory accident insurance, but does provide mental and physical health services, information and education on potential sources of risk and harm, medical check-ups and access to medical facilities. Athletes who work for the **Finnish Defence Forces** can use the Centre for Military Medicine. The military also has safety policies. The **Ministry of Education and Culture** does not provide any of the above listed protections.































In **Norway**, there are no specific national laws or court decisions that consider the health and safety of athletes. An employment relationship is required to fall within other relevant health and safety laws, specifically the Working Environment Act. If an athlete were to challenge her/his status under the Athlete Contract between the athlete and the **NF**, it is likely that a court may consider that an employment relationship exists between the NF and the athlete, and that the Athlete Contract infringes the Working Environment Act. In 1992, a court held that a female handball player, Joan Johnson, was employed by her club despite low remuneration – she received free accommodation, car, kindergarten, groceries etc. – and that her relationship with the club was covered by the Working Environment Act. The Athlete Contract does not deal with the issue of health and safety and insurance requirements.

During the Olympics, the obligation falls on the athlete and may be covered by the state welfare provisions. In addition, there are health and safety measures provided by the elite sport movement. The **NIF** and **NFs** provide accident insurance, mental health services, protective equipment, information regarding education on potential sources of harm and risk, safety policies, medical check-ups and access to medical facilities. **Olympiatoppen** provides elite athletes with support in a range of areas pertaining to health, nutrition, coaching etc., as well as advice and facilitation concerning education and post-sport careers, and anti-doping. All elite athletes are entitled to use these resources. In

²⁷ See the agency's website, <<https://www.valvira.fi/web/en/healthcare/private-health-care-licences>>.

addition, athletes who are in a contractual relationship with the **Norwegian Athletics Association** (see section 5) are provided with travel insurance and injury insurance.

Table 2.3: Occupational safety and health provisions for athletes in the Northern European region.

| Actor / Occupational safety and health provisions | Accident insurance | Mental health | Physical health | Prevention | Safety policies | Medical check-ups | Access to medical facilities |
|---|---|---|---|---|---|---|---|
| NOC |  |  |  |  |  |  |  |
| National athletics federation (NAF) |  |  |  |  |  |  |  |
| Public authority / state agencies without generic focus on elite sport* |  |  |  |  |  |  |  |
| Specific elite sport organisation |  |  |  |  |  |  |  |

*Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.



In **Sweden**, there are no specific national laws or court decisions that consider the health and safety provision for elite athletes. During the Olympic Games the health and safety obligation falls on the **SOK**. In international competitions outside the Olympic Games, the obligation falls on the **NF**; otherwise the obligation falls on the club or the state. For athletes selected for Topp-och Talang, the SOK provides: mandatory accident insurance that applies on days when the athlete is competing for the national

team; protective equipment and other protection for an athlete's physical health; information or education on potential sources of harm or risks; safety policies; medical check-ups and access to medical facilities. The **Swedish Athletics Association** provides the same protections. Neither the SOK nor the Swedish Athletics Association provides mental health services. The **Swedish Sports Confederation (Riksidrottsförbundet, RF)** does not provide health and safety benefits or protections for elite athletes.

2.10. Social Protection




In the **United Kingdom (UK)**, there are no sport specific social protections in national law or court cases concerning the social protection entitlements of athletes. General provisions of social protection relating to working hours, fixed term contracts, educational leave and annual holiday require employee or worker status in order to apply to athletes. Following *Jessica Varnish v British Cycling Federation (t/as British Cycling)* (see section 3), Olympic athletes who are selected onto a sport's World Class Programme (WCP), whether or not they are in receipt of an Athlete Performance Award (APA), are very likely to be considered to be engaged under an agreement to train and, accordingly, not an employee or worker. However, it may be that the athlete earns income from other sources as a self-employed person and accordingly would be entitled to a maternity allowance (Social Security Contributions and Benefit Act 1992). It appears that an NF may provide insurance cover for those selected to a WCP and/or those who compete in an elite team for a particular competition. The insurance cover is unlikely to be for loss of income but will likely cover: personal injury or loss arising out of, or in connection with, any activities carried out and/or any facilities used by the athlete in connection with the agreement while on team duty including at events; third party liability; and travel insurance. There have been no public debates about precarious or risky social conditions of athletes in Olympic sports.

The **BOA** does not provide a pension or retirement scheme, occupational disability protection, loss of income insurance, maternity protection and/or maternity and parental leave benefits or unemployment assistance. Similarly, **UK Athletics** does not provide a pension or retirement scheme, occupational disability protection, loss of income insurance or unemployment assistance. It provides limited maternity benefits to pregnant athletes who are in receipt of an APA and access to health care services. The **Army** very likely provides a pension / retirement scheme, occupational disability protection and maternity protection and maternity/parental leave benefits. It does not provide unemployment assistance or loss of income protection. **UK Sport** does not provide any social protections, although it does have a pregnancy policy which provides the framework for sports that it funds to develop their own pregnancy policy.²⁸ The guidance recommends, amongst other things,


²⁸ See further a copy of the UK Sport Pregnancy Guidance for NGBs and the UK Sport Pregnancy Guidance for Athletes, which are both available on the UK Sport website, <<https://www.uk sport.gov.uk/resources/governing-body-and-athlete-guidance>>.


payment of the APA for up to nine months after childbirth subject to conditions (UK Sport, 2021, Appendix H, clause 5.1).

 In the **Republic of Ireland**, general provisions of social protection apply to athletes residing in Ireland. If an employment contract is required to access those protections, then unless an athlete is employed or paying tax as a self-employed person, he or she may not be eligible. There are no sport-specific social protections in national law. There is a tax break available to some athletes who qualify. The sporting tax exemption enables an athlete, resident in Ireland, to claim back tax paid on wages or winnings after retirement from a sports career. Other social protections are provided by a combination of state protections and private insurance carried by the **NFs**. There is a very limited retirement scheme operated by **Athletics Ireland** in conjunction with the International Carding Scheme (ICS) where athletes are given some stepdown payments and assistance as they head towards retirement. In accordance with the ICS Guidelines, limited maternity protection is provided to athletes who are recognised as elite athletes in receipt of funding and which allows for the continuation / extension of payments during/after pregnancy. More precisely, athletes who become pregnant are guaranteed to receive funding up to six months after the birth of the child. In the Republic of Ireland, there is often public debate about the level of support provided by the state to elite athletes, although the focus of the discussions is mainly on the funding payments made to athletes, rather than a focus on social conditions.

 In **Denmark**, there are no sport-specific social protections in national law or cases concerning an elite athlete's entitlement to these. Athletes are entitled to social protections in the same way as Danish citizens. A person who is a part of an unemployment insurance fund (a-kasse) and has been in the labour market is guaranteed social support (dagpenge). A professional athlete has the right to choose a union (fagforening) and an unemployment insurance fund (a-kasse), which will guide the athlete when negotiating contracts and provide economic support if the athlete is suddenly unemployed. However, elite athletes are generally not in an employment relationship. Regarding social protections provided by the entities in the sports movement, the **DIF**, **Team Danmark** and the **DAF** do not provide a pension / retirement scheme, occupational disability protection, healthcare, loss of income insurance, maternity protection and / or maternity or parental leave benefits. Nonetheless, **Team Danmark** acknowledges that it is important that athletes save up for retirement. Athletes with high earnings can save 20% for a pension without influencing the assessment of whether or not they are granted support from Team Danmark. There have been no public debates about the social conditions of athletes in Olympic sports.

In **Finland**, all athletes are covered by general social security laws. There are no other sport specific social protections and no court cases on the issue either. The **FOC** and **Finnish Athletics** provide health care, and maternity/parental leave benefits. The **Defence Forces** provide a pension/retirement scheme, occupational disability protection, healthcare, loss of income insurance, maternity protection and/or

 parental leave benefits and unemployment assistance. The **Ministry of Education and Culture** provides maternity protection and/or parental leave benefits. If an athlete is in receipt of a state athlete grant, then this may be advanced due to parental leave and maternity. **Urhea Sports Academy** provides daily supportive health care and maternity protection and/or parental leave benefits. In the case of maternity and parental leave benefits, athletes can transfer state grants and still use the services provided by a sports academy.

 In **Norway**, there are no sport-specific social protections in national law or cases concerning an elite athlete's entitlement to these. Elite athletes are primarily protected as citizens of Norway rather than employees. Athletes are in part covered by compulsory insurance when under contract, and may take out private insurance (e.g. insurance offered by their trade union, such as, for example, by the Norwegian Athlete Association (NISO)). The **NIF** and the **Norwegian Athletics Association** do not provide a pension scheme, occupational disability protection, health care, loss of income insurance, maternity protection and/or maternity and parental leave benefits or unemployment assistance.

There has been public debate about the social conditions of athletes that typically arises in media reports of athletes struggling in their post-sports career. For example, in August 2020 two-time Olympic cross-country skiing champion Petter Northug was arrested for severe traffic violations, revealed his abuse of alcohol and drugs and was later sentenced.²⁹ The incident stirred an intense, but short-lived public debate about how the sports community prepares athletes for transition into civil life.


























 In **Sweden**, there are no sport-specific social protections in national law or cases concerning an elite athlete's entitlement to these. Certain benefits, such as health care, loss of income insurance and maternity protection or maternity or parental leave, are available to all Swedish residents, including athletes. However, benefits that are connected to and require employment (e.g. unemployment benefits and pensions) are not available to athletes as elite athletes are not employed by the **SOK** or **Swedish Athletics Association**, unless the athlete is employed by a club. Employment by a club largely determines the benefits to which athletes have access. If selected for the Topp-och Talang programme, the SOK will provide elite athletes with access to health care and that is the only social protection provided.

Table 2.4: Social protection provisions for athletes in the Northern European region.


| Actor / Social protections | Pension / Retirement scheme | Occupational disability / Loss of income protection | Health care | Maternity protection / Parental leave benefits | Unemployment assistance |
|----------------------------|-----------------------------|---|---|---|-------------------------|
| NOC | | |  |  | |

²⁹ See further <<https://olympics.nbcsports.com/2020/12/21/petter-northug-jail/>>.

| | | | | | |
|---|--|--|---|---|---|
| National athletics federation (NAF) |  |  |    |    | |
| Public authority / state agencies without generic focus on elite sport* |   |   |   |   |  |
| Specific elite sport organisation |  | |  |    | |

* Statutory social protection provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.

2.11. Participation and Bargaining

 In the **United Kingdom (UK)**, the **British Athletes' Commission** is an independent body that offers confidential advice, support and guidance to individual athletes within the high performance system. It has a Memorandum of Understanding with **UK Sport**. The British Athletes' Commission is not listed as a trade union.³⁰ Its objects are set out in Part 1 of the Schedule of its Articles of Association (BAC 2020) as including:

"1(i) to act as a representative body within Great Britain, the Olympic and Paralympic Movements and any other relevant organisations, for Athletes and to promote the views of Athletes so that Athletes have more input in policy and other decisions affecting them at a national and international level..."

The **British Olympic Association (BOA) Athletes' Commission** represents the interests of athletes in the BOA. It is a Committee established by the Board (BOA 2021b, art 7). The Chair is the athlete representative on the BOA Board. UK Athletics also has a **UK Athletics Athletes' Commission** (UK Athletics 2020). There are no collective bargaining agreements in elite Olympic sport, although in 2020, Team GB athletes and the BOA came to an agreement over the Rule 40 Guidelines (see section 8). There have been no public debates or conflicts between athletes and UK Athletics in the last five years. The limitations of the UK Sport and NFs' maternity and parental leave policies have been subject to media debate.



³⁰ The British Athletes' Commission is a company limited by guarantee and not having a share capital.

In the **Republic of Ireland**, the interests of Olympic athletes are represented by the **Olympic Federation of Ireland (OFI) Athletes' Commission**. There is a limited agreement between the OFI and athletes on the application of IOC Rule 40 to Irish athletes. The Chair of the OFI Athletes' Commission sits on the OFI Board and is also on the OFI Executive Committee. A public debate that arose recently related to athletes' rights to enter their own sponsorship agreements which was resolved with the assistance of the OFI Athletes' Commission.



In **Denmark**, there are two organisations that represent the interests of elite athletes in the Olympic Movement: the **Athlete Committee (Atletkommiteen, TAC)**; and **The Danish Athletes Association (DEF)**. The TAC is organised across **DIF** and **DAF** and consists of 12 active athletes' members, who are elected by athletes for a four-year period. The vote takes place after the year in which the Olympic Games are held. The composition of the TAC is as follows: five athletes represent Olympic sports from the summer sport federations (at least one of them should have participated in one of the last three Olympics); one athlete represents winter sports; one athlete represents Paraspport Danmark; three athletes represent non-Olympic sports. In addition, Team Danmark's Board of Directors appoints a member of the TAC, and the current Danish member of the IOC and EOC's Athletes Commission is automatically a member of the TAC. At least one person of each gender must be represented on the TAC. The TAC is included in decision-making and appoints one athlete representative to the DIF's Board of Directors, a representative to the Doping Committee and two representatives to the DIF's Board of Representatives. The **DEF** is a fully independent association of athletes whose aim is to safeguard the interests of all Danish elite athletes. The purpose of DEF is to maintain, protect and develop the athletic, economic and social interests of all Danish elite athletes during, and after, their career. The work consists of individual guidance and the pursuit of collective interests.³¹ There are no collective bargaining agreements in elite Olympic sport in Denmark. There have been no public debates or disagreements between athletes and entities within the Olympic Movement individually or collectively in the last five years.



In **Finland**, there is an Athletes' Commission made up of 14 athletes in the **FOC**. Two athletes also sit on the FOC Board. There is no athletes' commission in **Finnish Athletics (FA)**, the **Ministry of Culture** or **Urhea Academy**. However, athletes are represented on the FA Council and there are athlete representatives on the FA Coaching Commission and the Competition Commission. The state's policy working groups have athletes' representatives, and 10% of positions on Urhea Sports Academy's administrative council/managing board are reserved for athletes. Athletes' interests are represented by the SHU – Union of elite athletes which has 2441 members (mainly ice-hockey and football players). It is an umbrella organisation of the different players' and athletes' organisations. It is a member of the

³¹ For further information, see <<https://def-sport.dk/english/>>.

SAK, the Central Organisation of Finnish Trade Unions. Olympic athletes' (individual athletes) representation in SHU is weak. A collective bargaining agreement does not exist between elite athletes and the FOC, FA, Ministry of Education and Culture or Urhea Academy. In the last five years there have been disputes regarding the interpretation of athlete selection criteria for the Olympic Games or World Championships, and disputes regarding sponsor visibility at official training camps and media events organised by an NF. Disputes are resolved by the sports arbitration board, which is an independent and impartial entity tasked with resolving sports-related appeals.



In **Norway**, there are no collective bargaining agreements in elite Olympic sport. The only organised body that does collective bargaining is the trade union **NISO**. There are collective agreements in football, handball, and ice hockey, but not in individual sports. Athletics has so far had no relations with NISO, although individual athletes who are members of NISO may use NISO to negotiate their collective contracts. There are examples of this occurring (e.g. in skiing) and evidence that contracts have improved for athletes in terms of marketing rights and insurance. It is not known whether this has occurred in athletics. Athletes are represented in the **NIF** by an **Athletes' Committee**, set up by NIF's Board of Directors to represent the interests of elite athletes doing sport under the auspices of NIF's member associations and clubs. The Committee's bye-laws are in accordance with the IOC's Guidelines Relating to the Creation of a NOC Athletes' Commission. Athletes have one of 14 directors on NIF's Board. Three representatives from the Athletes' Committee also represent athletes at NIF's bi-annual meeting. In the Norwegian Athletics Association, there is no athlete representation on the Board. There is a male and female athlete representative.








In **Sweden**, the **SOK Active Athletes' Committee** represents the interest of Olympic athletes. There is also an Active Athletes Committee in the Swedish Athletics Association. There are no collective bargaining agreements between athletes and SOK, the Swedish Athletics Association, or the **Swedish Sports Confederation (Riksidrottsförbundet, RF)**. There have been no public debates or disputes between athletes and SOK, Swedish Athletics Association or the RF in the last five years.

2.12. Specificities, Current Conflicts and Issues



In the **United Kingdom (UK)**, there have been no public debates or conflicts between athletes and UK Athletics in the last five years. In terms of sponsor arrangements, the Rule 40 conflict with the British BOA highlights a challenge for athletes who make an income from sponsorship and commercial opportunities. Additionally, the maternity and paternity policies to support pregnant athletes and athletes who have had a child have been the subject of media attention in the past few years. The legal status of Olympic athletes was scrutinised in the *Jessica Varnish* case (see section 3) and there is debate about the level of income and other benefits, including social protections that elite athletes receive.

-  In the **Republic of Ireland**, the Gaelic Athletic Association (GAA) which exists outside of the Olympic Movement has unique characteristics. The GAA is the body for Gaelic Games which are played only in Ireland in a similar manner to Australian Rules Football. Although the sport is nominally entirely amateur, elite players are in receipt of a grant from Sport Ireland administered by their union to the value of €1200 per annum in addition to any expenses. Many of the players are also directly employed by the GAA as games development officers.
-  In **Denmark**, there have been no reported disputes or issues of conflict for elite athletes in the last five years.
-  In **Finland**, athletes generally do not get wage support through employment, but indirect support for training. There are no employment relationships except for individual fixed-term relationships in the military. Athletes' grants are paid tax-free without social benefits. The sports organisations have created their own healthcare and daily support systems for top athletes, which are supplemented by the public sector and public services. The socio-economic status of athletes is regularly publicly discussed, but improvement is slow.
-  In **Norway**, the legal status of elite athletes, the commercial rights of athletes and the support available for athletes to transition into a post-sport career are topics that have invoked conflict or debate.
-  In **Sweden**, as neither the SOK nor the Swedish Athletics Association have employment relationships with athletes, clubs are in practice the only actor with whom Olympic athletes might have an employment relationship. The prevalence of such employment relationships is not great and varies significantly between sports.

Literature Chapter 2

- Brandsmiths (2019) Rule40GB#TeamGB#. Available online at
<https://brandsmiths.co.uk/resources/Rule_40_Questions_Answered.pdf>
- British Olympic Association (BOA) (2020) 'BOA Reaches Rule 40 Agreement'. BOA.com, 12 March 2020
<<https://www.teamgb.com/article/boa-reaches-rule-40-agreement/6sekmflCzrUTpvhFcDsUZ>>
- British Olympic Association (BOA) (2021a). 'Guidelines for Brands (Non-Olympic and Agents) (updated April 2021)'. Available on the BOA website at
<https://assets.ctfassets.net/v8zaoy2pgzt/SPfVgqj72iHSc4lkuFFk4/cbac3355d09bc851a41a0a53898404f9/Rule_40_April_2021.pdf>
- British Olympic Association (BOA) (2021b). 'Memorandum and Articles of Association as amended by a written resolution passed on 17 September 2020.
- Due, Jasper, Madsen, Jorgen Steen (2008) 'The Danish Model of Industrial Relations: Erosion or Renewal?' *Journal of Industrial Relations*, 50:3, 513-529
- James, Mark (2021). 'Civil Liability Arising Out of Participation in Sport' in Adam Lewis QC and Jonathan Taylor QC (eds) *Sport: Law and Practice* (4th ed, Bloomsbury Professional).
- Loken, Espen, Stokke, Torgeir Aarvaag, Nergaard, Kristine (2013) *Labour Relations in Norway* (Fafo)
- Ministry of Employment and the Economy (2021) Finnish Labour Legislation and Industrial Relations. Available online at <https://www.expats-finland.com/pdf/finnish_labour_legislation.pdf>
- Olympic Federation of Ireland (OFI) (2020) 'Commercial Opportunities for Participants During the Tokyo 2020 Olympic Games Taking Place in 2021'. Available online at <<https://rule40.olympics.ie/rule-40-guidelines/>>.
- Seltmann, Maximilian (2021) 'The Institutional Position of Athletes in the Governance Networks of the Olympic Movement in Canada, Germany and the United Kingdom', *The International Journal of the History of Sport*, 38:10-11, 1165-1188
- Sport Ireland (2021) 'International Carding Scheme (ICS) Guidelines 2021', available online at
<<https://www.sportireland.ie/high-performance/high-performance-investment/individual-athlete-support/international-carding-5>>
- Team Danmark (2020) 'Annual Report 2020 (in brief)', available online in Danish at
<<https://umbraco.teamdanmark.dk/media/2518/aarsberetning-2020.pdf?>>
- UK Athletics (2020) 'UK Athletics Athletes' Commission Terms of Reference (adopted 18 August 2020).' Available online at <<https://www.uka.org.uk/about/who-we-are/uka-athletes-commission/>>.
- UK Athletics (2021) 'UK Athletics World Class Programme Selection Policy Olympic (June 2021).' Available online at
<<http://www.uka.org.uk/wp-content/uploads/2021/07/World-Class-Programme-Selection-Policy-Olympic-2021-2022.pdf>>.
- UK Sport (2020) 'Annual Report and Accounts for the Year Ended 31 March 2020.' Available online at
<<https://www.uksport.gov.uk/resources/annual-reports>>.
- UK Sport (2021) 'Pregnancy Guidance & Support for Sports Governing Bodies' (November 2021). Available online at
<<https://www.uksport.gov.uk/resources/governing-body-and-athlete-guidance>>.

3. Central Europe

Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege

This Regional Summary focuses on the countries Austria, Belgium, Germany, Hungary, Luxembourg and the Netherlands.

3.1. Background: National Sport Systems


If one follows the intensively received typology of Ian Henry (2009), the majority of the six sport systems addressed in this Regional Summary can be assigned to the system type “missionary configuration”. This applies at least to **Germany, Austria** and **Luxembourg**, while the **Netherlands** can be classified as “social configuration”. **Belgium** and **Hungary**, on the other hand, are categorised as “bureaucratic configuration”. The missionary configuration is characterised by a high degree of autonomy and freedom of decision for organised sport. Public authorities of the national or regional level delegate a large part of their responsibility on sports policies to the sport federations, which are then also responsible for it. As a rule, there is no specific sport law and no original sport ministry. In the countries under investigation, this applies to **Germany** and **Austria**, where sport is not explicitly mentioned in the national constitution. In **Luxembourg**, on the other hand, there is a specific sports law ("loi du 3 août 2005 concernant le sport") and also a ministry responsible exclusively for sport.

While the social partners in Germany, Austria and Luxembourg - with the exception of disabled sports - do not have not a substantial impact on (elite) sport, they play a greater role in the **Netherlands**. The social configuration that can be discerned here is characterised by the activities of social partners and diverse forms of cooperation between public, voluntary and commercial actors. Special importance is given to the "common good" of sport at the local level.

The bureaucratic configuration is characterised by an active role of the public sector. Politics and administrations play an important role in regulating the sport system and intervene more strongly both legally and financially. This type almost always has a specific legal framework for sport or a sports law. In the centralised political system of **Hungary**, this legal framework is found at the national level (2004 Act on Sport), whereas in the highly federalised **Belgium**, it is found at the sub-national level with the regions. In contrast to the Hungarian case, the interaction between sport and politics in Belgium is more strongly characterised by close cooperation and agreements, so that this sport system also shows clear features of the mission configuration.

Within the scope of definition, specific elite sport organisations exist in Austria, Belgium, Germany and Hungary at the national level to support elite sport development. In **Austria**, Austrian Sports Aid is an independent, non-profit organization that contributes to social security of elite athletes through financial and ideal support and promotion. This support for elite athletes consists of monetary funding, further education and training, further support after a sports career, and measures of health promotion. The

needed means of Austrian Sports Aid are provided by contribution of its members, support of sport fans, sustainable partnerships with the industry, and fundraising events and activities. Full members of Austrian Sports Aid are the Austrian Olympic Committee (ÖOC), Austrian Paralympic Committee, Sport Austria (the umbrella organisation of all 60 national sport federations), the Federal Ministry of Arts, Culture, Civil Service and Sport, and the Austrian Economic Chamber.


 In **Germany**, the German Sport Aid Foundation supports elite athletes since 1967. All German elite athletes who are member of a national squad / cadre can benefit from the financial and non-material (career training, mentoring, workshops, etc.) support of this private organisation. In principle, all cadre/squad athletes in Olympic and Paralympic sports are eligible for support of the Sport Aid Foundation. However, the Advisory Committee, in collaboration with the board of directors of the foundation, can decide to exclude certain sports from the financial support scheme. This is the case for several professional sports where athletes are able to earn enough money from their contracts with clubs. The decisions are made on a case-by-case basis, also distinguishing between different disciplines and gender-categories (e.g. men's football: junior and senior, women's football: senior; men's ice hockey, men's handball, biathlon, alpine skiing, and others).

 The Wesselenyi Miklos Sports public foundation is the statutory body administering established by the **Hungarian** 2004 Act on Sport. The organisation administers the comprehensive Gerevich Aladár Sport Scholarship which provides financial support for elite athletes. The foundation also plays a role in the education sector and aims to provide a framework for the development of sport talents in cooperation with schools.

 By virtue of the political structure of **Belgium**, specific elite sport organisations exist on the regional levels of the three communities.³² In Flanders, Sport Vlaanderen is a public organisation under the Ministry responsible for sport. It administers and coordinates the sport policy in the region with regards to both leisure and elite sport. In Wallonia – the French-speaking community – the Administration générale du Sport (ADEPS) is the branch of the Ministère Fédération Wallonie-Bruxelles responsible for all sport-related matters. Both organisations offer employment for elite athletes and are key to the elite sport system in Belgium (see section 7).

In addition, in **Austria, Belgium, Germany, and Luxembourg** – in different forms – military, customs and police play a supporting role for elite sport.

The number of athletes representing each of the five countries of the present region at the Summer and Winter Olympic Games varies largely. In addition, the national elite sport programmes or elite cadre systems of the countries comprise a different number of athletes each. In 2021, 75 athletes represented

 **Austria** at the Tokyo 2020 Olympic Games, while in 2018, 105 Austrian athletes participated in the 2018


³² Within the scope of this report, only Flanders and Wallonia will be further considered.

Winter Olympic Games in Pyeongchang, South Korea. Receiving “athlete specific elite sport funding”, 270 athletes and teams (Olympic and non-Olympic) are currently part of the Austrian national elite sport system. In total, 123 **Belgian** athletes attended the Tokyo 2020 Olympic Games, while 22 athletes went to the Winter Games in Pyeongchang. In total, 3878 elite athletes were supported by the Belgian sport system in 2020, among which 1962 come from the Flemish Community, 1860 from the French Community, and 56 from the German-speaking Community. **Germany** was represented by 415 athletes at the Tokyo 2020 Olympic Games. In 2018, 152 German athletes attended the Winter Olympic Games in Pyeongchang. Overall, around 4000 athletes receive support by the German elite sport system, comprising athletes who form part of the “Olympic cadre” (approx. 500 athletes), “Perspective cadre” (approx. 1500 athletes), and “Youth cadre” (approx. 2000 athletes). In 2021, 162 athletes from **Hungary** took part in the Tokyo 2020 Olympic Games, whereas 19 athletes represented Hungary at the 2018 Winter Olympic Games in Pyeongchang. Approximately 600-800 athletes are part of the elite sport system in Hungary. **Luxembourg** sent 12 athletes to the Tokyo 2020 Olympic Games, while 1 athlete from Luxembourg participated in the Games in Pyeongchang in 2018. In 2020, 92 athletes formed part of the elite sport system of Luxembourg, including 49 athletes as part of the “Elite cadre”, 40 athletes of the “Promotion cadre”, and 3 athletes supported by “special measures”. In 2021, 267 athletes competed for the **Netherlands** at the Tokyo 2020 Olympic Games, whereas 33 Dutch athletes went to the Winter Olympic Games in Pyeongchang. Data on the number of athletes receiving support by the Dutch elite sport system is not available.

3.2. Background: National Employment Relations and Welfare Regimes

Looking at the six states considered here, a dominance of Esping-Andersen’s (1990) conservative welfare model can be discerned, which is sometimes also referred to as the continental model. With the exception of Hungary, all states can be placed in this category, even if national specifics prevail. **Austria**, for example, is close to the conservative ideal type, but has some special features. In Austria there is no statutory minimum wage, but collective agreements set wage floors of around 1.500 Euro in collective bargaining agreements. For **Luxembourg**, the most striking feature is that all services have to be paid in advance and are just later reimbursed at a certain percentage. For this reason, private supplementary insurance is relatively widespread in Luxembourg. Another special feature of Luxembourg is that, due to its geographical location, cross-border workers from France, Belgium and Germany play an important role in the country.

The **Dutch** welfare state shows the greatest deviations, as it combines elements of all three models of Esping-Andersen’s typology. For a long time, the Netherlands were also oriented towards the conservative model, but in the course of the labour market crises of the 1990s the Netherlands introduced the concept of “flexicurity”, which is characterised by a far-reaching flexibilisation of various employment relationships.


 The **Hungarian** case is special in that between 2002 and 2010 there was a significant expansion of welfare state benefits, which brought Hungary closer to the continental model. Since then, a distinction has to be made between state protectionism for individual national sectors and their workers, while in other sectors a more liberal economic policy has been pursued with the effect that labour market flexibilisation and cuts in social benefits have come to bear.

With regard to actors in the social and welfare sectors, worker representation is carried out through trade unions and elected works councils, although the relationship between actors has changed over time. Three of the Western European countries – **Austria, Belgium and Luxembourg** – have a high degree of trade union organisation, while Germany, the Netherlands and post-socialist Hungary have lower levels. There are also differences in company co-determination. In **Germany, Austria, Luxembourg** and the **Netherlands** the extent of co-determination is not just strong in state-owned companies. In **Belgium**, and in **Hungary** since the last decade, far fewer employees are represented in company boards. Collective bargaining takes place in all six countries, but its importance varies from sector to sector. Similarly, the extent to which collective bargaining takes place at the industry and company level varies as well.

3.3. Legal Status of Athletes in Olympic Sport


With reference to *general labour law* of the six investigated countries, the legal status of athletes is determined largely by the contractual relationship of an athlete with an organisation and the income generated therefrom. Decisions on the employment status of an athlete are commonly made on a case-by-case basis in the countries of the present region. Although distinct characteristics are referred to in the legal assessment of the status of an athlete depending on the national setting, an athlete's income represents a key point of concern in any decision.


In four of the six countries of this region, athletes can enter into an employment relationship with public authorities (i.e. Ministries) without a generic focus on elite sport, such as the armed forces or the police, or with specific elite sport organisations which exist in the country. In **Belgium** specifically, the majority of top athletes in Olympic sports is employed by a specific elite sport organisation or a public entity of one of the three communities of the country. This means that the legal status of many elite athletes in Olympic sports is rather clear and there has been no need for courts to decide on matters related to it. In **Germany** and **Austria**, a considerable number of athletes is employed by different Ministries and serve the country through entities like the armed forces or the police. Entering into a contract with the military is also available to some athletes in **Luxembourg**. While these relationships clarify the legal status of athletes in Olympic sports, the situation for athletes without such contractual relationships remains rather unclear.

 The relationship between athletes and the **Dutch** NOC*NSF, highlights the complex and, to date, unclear legal status of some athlete in Olympic sports. While the comprehensive stipend programme (see section


4) does not constitute an employment relationship, the tax authorities qualify the money athletes derive from it as taxable income. This also means that measures of statutory social protection are provided through the scholarship which is paid from public money of the Ministry of Public Health, Welfare and Sport. Table 3.1. gives

Table 3.1: Potential employment relationships of athletes in the Central European region.

| Actor / Employment contract available |  AUT |  BEL |  GER |  HUN |  LUX |  NED |
|---|---|---|---|--|---|---|
| NOC | | | | | | (✓) |
| National athletics federation (NAF) | | | | | | |
| Public authority / state agencies without generic focus on elite sport | ✓ | ✓ | ✓ | | ✓ | |
| Specific elite sport organisation | | ✓ | | | | (✓) |

 Specific national legal acts specify the status of athletes in Hungary and Luxembourg— although to highly varying degrees. In **Hungary**, the legal status of athletes is determined by the 2004 Act on sport. Any person taking part in competitive sport must have a competition permit bringing him or her under the scope of the law. Paragraph 1 of the law distinguishes between amateur and professional athletes. The classification depends on the contractual relationship with a club or a sport organisation and the income that athletes derive from their sporting activities. Athletes with an employment contract with a sport organisation or a sport club are considered professionals. While employment by sport clubs is open to athletes in Olympic sports, it is a rare exception. The law further distinguishes between two categories of amateurs: there are amateurs without any contractual relationship and those with a so-called “sports contract” (§ 5 (1)). Elite athletes in Olympic sports will usually have such a sports contract with different organisations of the sport system but - according to the law - are considered amateurs. As per law, payments to amateur athletes like “compensations”, “recognition of success”, or “support provided within the framework of sponsoring contracts” are explicitly listed to not constitute remuneration that would qualify an athlete as a professional (§ 5 (4)).

While in **Luxembourg**, the Sports Act (Loi du 3 août 2005 concernant le sport) does not comprehensively define the status of athletes, the act includes important provisions with respect to social security and insurances of elite athletes – the details of which will be laid out in section 9 and 10 of this chapter.

 *Court cases on the legal status of athletes* before labour or social courts have only been decided in **Austria**. Here, the case of Vanessa Sahinovic raised new questions regarding the status of athletes and has spurred considerable political debate: the then 16-year-old schoolgirl had been nominated by the Austrian Olympic Committee (ÖOC) for the European Games in Baku in June 2015 (sport: swimming, synchronized swimming). On her way to training, she was run over by a shuttle bus of the organizing committee in the Olympic village without any fault of her own. She has been irreversibly paralysed since the incident. The legal question arose whether the accident was a leisure accident or qualifies as an occupational accident. If the latter, questions would arise whether the injured athlete was subject to statutory health, accident and pension insurance at the time of the accident due to her employment with the Austrian Olympic Committee (ÖOC) in the context of an employment relationship. The regional health insurance fund (GKK) refused to recognize the tragic accident as an occupational accident. The appeal filed against this decision was then upheld by the Federal Administrative Court in its decision of 10 March 2017 (BVwG GZ W145 2128879-1). It found that the athlete was subject to compulsory insurance under the Austrian Social Law (health, accident and pension insurance) due to an employment by the ÖOC for the period of the event. The decision gives rise to an entitlement to, for example, a disability pension and claims for assistance with medical aids. With regard to the court ruling, the status of an employee does not necessarily imply a contract of employment. The personal dependencies and bounding by instructions are sufficient to affirm the presence of an employment. The fact that the activity was remunerated was affirmed with reference to benefits in kind which the athlete received. Since the ordinary appeal was not admitted, the decision became effective (Schneider 2018). After this ruling, far-reaching consequences for federations that send athletes to sporting events are expected. The qualification of such an event as an occupational accident serves the social protection of athletes. Still, it remains to be seen whether this means that participants in major sporting events will have to be employed and appropriately secured in the future, since the decision was not made by a high court (ibid.). On the political side, the case spurred the ongoing debate and renewed calls for a national act on professional sport. The current government programme of the Federal Government of Austria for 2020 to 2024 includes the goal to establish such a law (Bundeskanzleramt Österreich 2020, p. 43).

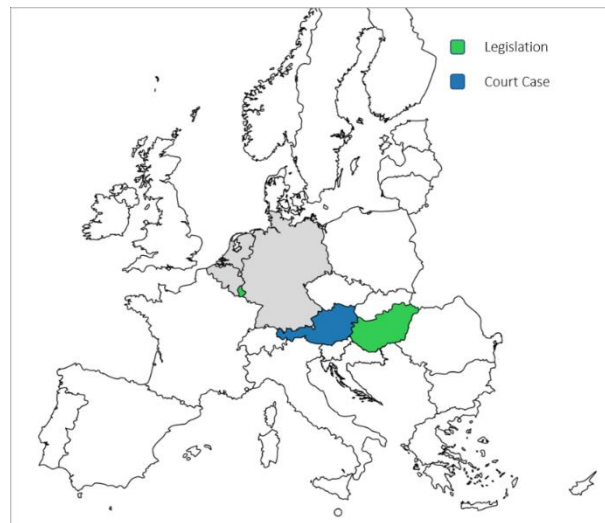




Figure 3.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Central European region.


3.4. The Role of the National Olympic Committee

Throughout the six countries, the NOCs play very different roles in the employment and social situation of athletes. This, first and foremost, relates to the contractual relationship with and income opportunities for athletes through the organisation.


 In the Netherlands, Luxembourg and Hungary athletes of the national cadre system enter into a *contractual relationship* with the NOC of the country. In the **Netherlands**, the NOC*NSF, the joint NOC and umbrella organisation of national sport federations in the Netherlands, offers a comprehensive stipend programme for athletes of the two highest performance categories (the A- and the High Performance-level). Currently, there are approx. 200 elite athletes in the A-category alone which receive the stipend. The funds of the stipend programme are provided by the Ministry of Public Health, Welfare and Sport and channelled through the NOC*NSF. Athletes receive a standardised *income* which is calculated based on the national minimum wage and depends on the age of the athlete. Exemplarily, an 18-year old athlete receives a monthly payment of 50% of the national minimum wage (= €910 in 2021), a 22-year old receives 100% (= €1.820 in 2021) and from 27 years and older, athletes receive 140% of the minimum wage (= €2.547 in 2021). The tax authorities qualify this money as income. This yields that athletes need to pay taxes off of it but are also socially insured. The stipend also includes an *expense allowance* scheme under which athletes can claim incurred costs related to their sporting career. Athletes are eligible for the scholarship, as long as their annual income does not exceed the income they generate through the stipend plus additional €10.000. The evaluation always takes place in retrospect and athletes might have to pay back some of their scholarship money to the fund in case their income exceeded the threshold in the previous year. Since the stipend does not constitute an employment relationship, the national applicable working time stipulations do not apply to athletes. The exact nature

of the stipend contract has never been determined by a court or by national law. Therefore, questions remain whether the relationship constitutes fictitious or even factual employment. In addition to the scholarship programme, athletes can also receive medal bonuses for the successful participation in the Olympic Games. The NOC*NSF also administers a specific fund which covers legal fees of elite athletes in cases of dispute.

 In **Luxembourg**, athletes of the national squads and elite cadres enter into an *agreement* with the NOC of Luxembourg (COSL). The agreement is mainly standardised but can be individually negotiated, depending on the sports category of the athlete. It is concluded on an annual basis and is renewed after a review. The respective NSF and COSL cooperate in the evaluation of the potential and performance of athletes. Based on the assessment and the inclusion of an athlete into the elite cadre of the NSF, the athlete signs the agreement with COSL. Currently, 89 athletes are in such a relationship with the organisation, 83 of which are athletes in Olympic sports. In a process between the NSF and COSL, the individual financial requirements of an athlete are determined and athletes are *compensated* by the funds that COSL receives from the Ministry for Sport. Again, the agreement does not construct an employment relationship, therefore, working time regulations do not apply. Still, the agreement is decisive for the status of an athlete as “elite athlete” within the meaning of Art. 13 and 14 of the Sports Act (Loi du 3 août 2005 concernant le sport). This status provides the athlete with access to further subsidies and state support (especially in terms of social security, see section 9).

 Four years prior to the Olympic Games, prospective athletes are selected to enter into an *agreement* with the **Hungarian Olympic Committee** (MOB). Athletes from all national sport federations (approx. 600-800) are selected to sign the agreement for the quadrennial cycle. While the agreement specifies rights and responsibilities, it does not determine any payments to the athlete. According to the national Act on Sport, sports contracts can only be concluded for a limited period. The agreement between the athlete and the HOC terminates at the day the Olympic Games end or if an athlete fails to qualify for the Games.

 In **Belgium**, elite athletes are not contractually bound to the Belgian Olympic and Interfederal Committee (COIB) per inclusion into the elite cadre system. Still, the COIB offers a specific ambassador programme for selected athletes. Currently twelve athletes have signed a *representation contract* and receive a standardised *fee* per month to *represent* the organisation. In addition, remuneration for additional representative tasks can be negotiated. All elite athletes are eligible for *reimbursements* of expenses for specific programmes or personal needs, which is decided on an individual basis. For the participation in the Olympic Games, all athletes of the Belgian delegation sign a Code of Conduct. The COIB also disburses prize money for top results in the Games and covers all costs related to the participation in the Olympic Games.

 For **German** and **Austrian** elite athletes, the relationship to the respective NOC is quite similar. Both NOCs (DOSB and ÖOC) do not enter into general contracts with athletes. For the participation in the Olympic

Games, athletes are required to sign a mandatory *athlete agreement*. In the both cases, the agreement specifies rights and obligations of the athlete during the period of the Olympic Games. The agreement automatically terminates on the last day of the Games and stipulates that *all costs* related to the participation in the Games are *covered* by the NOC. In Austria, the case of Vanessa Sahinovic affected the text of the agreement: in versions of events subsequent to the decision, articles are included which specifically stipulate that a) the agreement does not constitute a dependent employment relationship, b) that the participation in the event does not constitute work for or on behalf of the ÖOC or any person delegated by the ÖOC, and c) that no statutory social protection entitlements exist. The ÖOC disburses *bonuses* to medallists at the Games, unlike its German counterpart where the relationship to the DOSB does not yield any income opportunities for athletes.

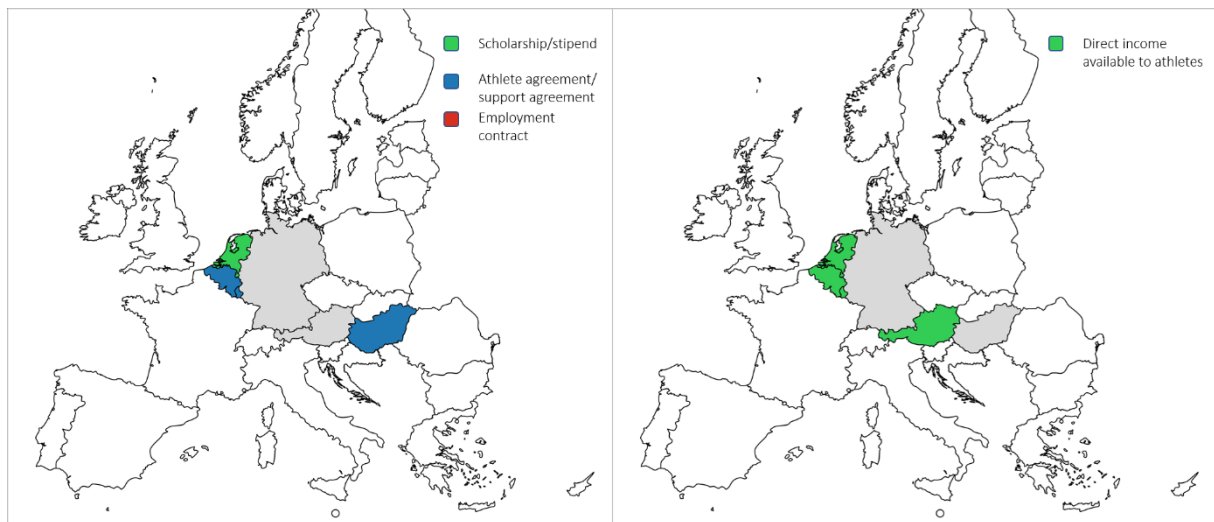




Figure 3.2: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the NOCs of the Central European region.


3.5. The Role of the National Athletics Federation

 The role of the **Hungarian** Athletics Association (MASZ) follows a similar approach than the MOB and extends the contractual relationship of athletes: following the conclusion of the standardised contract with the NOC, each prospective athlete also enters into a standardised contract with the respective NSF in Hungary. Again, the contract contains the rights and obligations of the athletes but does not provide for any payment for the athlete. Yet, it specifies the services that the MASZ provides for the athlete. Currently, athletes in athletics have concluded an additional *contract* with the MASZ for the upcoming 2023 World Championships which will take place in Budapest. This agreement includes a *monthly stipend, allowances* and additional *service provision*. The agreement automatically terminates after the event or if an athlete fails to qualify for the World Championship.

 In **Luxembourg**, elite athletes in athletics sign an *agreement* with the national athletics federation (FLA) similar to the agreement with COSL. The agreement extends the scope of the agreement signed with COSL and supports the status of an athlete as “elite athlete” provided by the Act on Sport. While athletes do not receive direct payments from the FLA, athletes can receive compensation payments for sports-related expenses which are not covered by the funding from COSL or any other actor. A similar situation exists in the **Netherlands**. Here athletes sign a so-called *elite athlete agreement* with the federation. The details and contents of the agreement are not publicly available.

 As for all elite athletes affiliated with an NF in **Germany**, members of the elite cadres in athletics have to sign an *athlete agreement* with the federation (DLV). The details and content of the agreement remain unknown. Furthermore, the legal nature of these agreements is much debated in German academic literature and also in front of German courts (see section 12). While the agreement does not qualify as an employment contract and athletes do not receive a salary from the federation, the agreement generally facilitates some characteristics of dependency of the athlete on the federation. In the recent past, the voluntary nature of the agreement has frequently been put into question.

 In **Austria**, athletes are not required to sign an agreement with the Austrian athletics federation (ÖLV). However, the federation plays a role in the funding of athletes. Through a specific funding pillar of the Bundes Sport GmbH (BSG), an agency of the Federal Ministry of Arts, Culture, Civil Service and Sport, public funds are available for athletes. Through the “athlete specific elite sport funding”, athletes can receive *reimbursements for sport related expenses*. The funds are directed to each NSF which then disburses them to the athletes as compensation payments. In total, 270 athletes across all sports can currently take advantage of the funding scheme offered by the BSG. In addition, medal bonuses and prize money are offered for successful athletes. These bonuses have been increased significantly in recent years and have reached new heights for the Tokyo 2020 Games (Gold: €205.000, Silver: €100.000, Bronze: €50.000). In rare cases, it is possible that athletes also receive remuneration in the form of the statutory lump sum travel cost allowance.

 Due to its division into communities, distinct federation for athletics exists in in the **Belgian** communities Flanders and Wallonia. Both federations are assembled in the Royal Belgian Athletics Federation (RBAF). Athletes do not enter into a contractual relationship with the RBAF on a general level. For some international events, RBAF may impose *Codes of Conduct* on athletes for their participation. The federations on the community level closely cooperate with the respective specific elite sport organisation of the community (see section 7). In Flanders, the Vlaamse Atletiekliga (VAL) does not conclude contracts with athletes. In Wallonia, Ligue Belge Francophone d’Athlétisme (LBFA) may be a party to the *contracts* which athletes conclude with the specific elite sport organisations of the community. Based on this, athletes receive no payments from the federation(s), except for some *prize money* that the sponsors of the federation might supply for individual events.

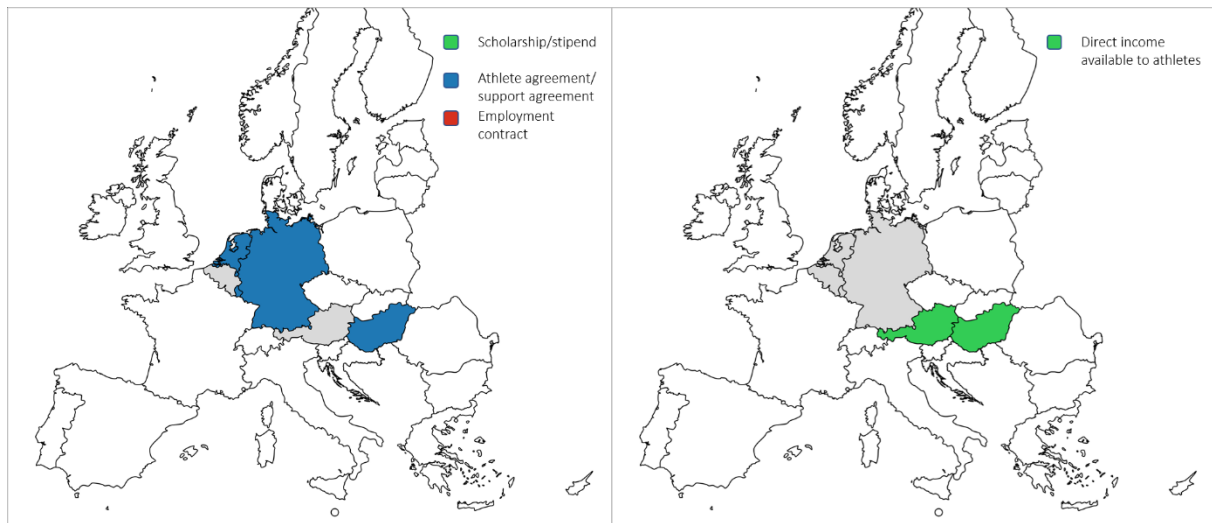



Figure 3.3: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the National Athletics Federations of the Central European region.

3.6. The Role of Public Authorities without a Generic Focus on Elite Sport

In four of the six countries of this European region, public authorities without a generic on elite sport play a role in shaping the employment and social relations of athletes in Olympic sports. In Austria, Belgium, Germany and Luxembourg, the armed forces of the country offer the opportunity for elite athletes to pursue their sporting career while serving as athlete soldiers. Other entities include the federal polices of Germany and Austria and minor agencies under the authority of state ministries.

-  In **Austria**, a parliamentary resolution from 1997 establishes that the **armed forces** – under the auspices of the Federal Ministry of Defence – maintain a special elite sport group as well as specific sport centres for elite athletes. As athlete soldiers, athletes sign a *standardised employment contract*. To join the armed forces, athletes must be nominated by their NSF, Sport Austria and the respective representative of the discipline within the armed forces. The athlete must be a member of a national squad. Athletes in individual sports must have ranked 1-3 in the national championships, team sport athletes must play in the highest national division. All athletes need to undergo the basic military training. Each year, 150 new athletes can join the armed forces and start their military training. Having completed the basic training, the athletes’ sporting performance is evaluated by Sport Austria and the armed forces representative. A positive review leads to the conscription by the Ministry of Defence as voluntary temporary military personnel. The fixed-term contracts are reviewed on an annual basis and can be renewed for a total period of up to 15 years. Contracts automatically terminate if an athlete signs a professional contract with a club. In 2021, 402 athletes are employed with the armed forces. Among them are also athletes from specific military sports, like parachuting or mountaineering which are not Olympic sports. As per employment contract, the main task of the athlete soldier is the successful participation in international

championships and an overall positive appearance and representation of Austrian Republic and Austrian Armed Forces. The specific obligations and duties for competitive athletes at the Federal Army are specified in a comprehensive regulation. As employees of the armed forces, athletes receive a *regular salary*. The salary depends on the rank of the soldier but in accordance with the national regulations, soldiers are entitled to 14 monthly salaries per year. This status also includes specific working time obligations that must be fulfilled. Athletes must keep record of their daily working hours which include time spent on training and competitions, regeneration, etc. Participation in competitions are considered business trips and must be approved in advance.

The **Austrian Police** (Ministry of the Interior) offers a dual career programme for elite athletes with a specific focus on Olympic disciplines. As a public *apprenticeship*, athletes undergo the vocational training to become police officers while practising their sports. Athletes must fulfil the general requirements of the apprenticeship and must be a member of a national cadre to be eligible for a position. Currently, 60 athletes are employed by the Austrian Police within this programme. Just like soldiers, athletes also receive a *monthly salary* (14/year).




The landscape of public entities in **Germany** is quite similar to that in Austria. Athletes from all sports can become members of one of the 15 so-called sports groups of the **armed forces**. The programme includes the basic training within the voluntary military service of the armed forces which usually takes eleven months to complete. For athlete soldiers the period can be extended to up to 23 months. After the training, athletes can pursue different careers in the armed forces and even study at one of the military universities to become officers in higher ranks. A total of approx. 800 spots is available to athletes, among which are also Paralympic athletes and athletes in military sports. Athlete soldiers are mostly exempted from their military duties to focus on their sporting development. Training takes place in cooperation with the sport federations and the Olympic Training Centres. The **German Federal Police** offers a dual-career model for athletes of 21 selected sports, most of which are winter sports. Athletes receive vocational training in an apprenticeship programme as ordinary police officers while also pursuing their sporting career. In contrast to athletes within the armed forces, police athletes live and train at one of the two specific federal police schools. The vocational training phase is extended to 3.5 year for summer sport and four years and two months for winter sport athletes. After the apprenticeship, athletes are fully employed as police officers. Up to 160 athletes can be a part of this programme. Based on this model, a large majority of athletes educated in the system remain with the Federal Police even after their sporting career and pursue different professional paths. Specifically designed for winter sports and in close cooperation with the German Skiing Federation (DSV), the **German Customs** offers spots for elite athletes in alpine skiing, biathlon, cross-country and Nordic combined. The apprenticeship includes a short vocational training period as ordinary civil servant. Depending on the educational level of the aspirant, athletes can also pursue careers in higher ranks. As of 2021, 64 athletes are designated as athlete civil servants with the German Customs. On the regional level of the German Länder, it is possible

to join the **police services in 12 of the 16 Länder**. Overall, up to 250 athletes can find employment with the police services of the German Länder.

Each of the above-mentioned relationship is determined by a *legal act* and athletes, like all civil servants and soldiers in Germany, do not sign individual employment contracts. Athletes receive the *regular salary* depending on their rank and in line with the statutory wages of civil servants and soldiers. Working time for all civil servants is stipulated by law at 41 hours per week. Since no specific regulations exist, it must be assumed that the main duty of any athlete in the services of a state entity is his sporting performance. Time spent on training and competition, therefore, must be considered working time and the general regulations apply (Weihnacht 2021). Additionally, civil servants and soldiers are, by law, entitled to 30 days of annual holiday and to parental leave.

 The Ministry of Defence of **Luxembourg** also employs athletes as voluntary soldiers in the Army Elite Sport Section. Athletes recommended by the NOC can sign a *contract as a voluntary soldier* for a duration of four to eight years. A review takes place after three years and athletes receive a *regular salary*. Approx. 20 athletes are currently employed by the Ministry. Some athletes also have a partnership agreement with the public agency called “Luxembourg Branding”. The agency is responsible for marketing the country as a brand. On an individual basis, athletes can receive special state-funded sponsorship through different activities connected to endeavours of the agency.

 In **Belgium**, athletes with top results at international sport events can join the armed forces by entering into a *contract* with the Ministry of Defence. Despite being exempted from most of the military duties, the legal and social situation of athlete soldiers does not differ from those of ordinary soldiers. The currently 27 “Athletes at Defence” must communicate their weekly schedule of 38h/week to his supervisor as well as an annual calendar including all training camps and competitions. The athletes receive a *regular salary* depending on their rank. Furthermore, the two employment services of Flanders and Wallonia offer specific programmes for athletes which are currently unable to combine higher education with elite sport. In close collaboration with the specific public organisations responsible for elite sport (see below) and the respective sport federation, the agencies support the career development of athletes and provide financial support.

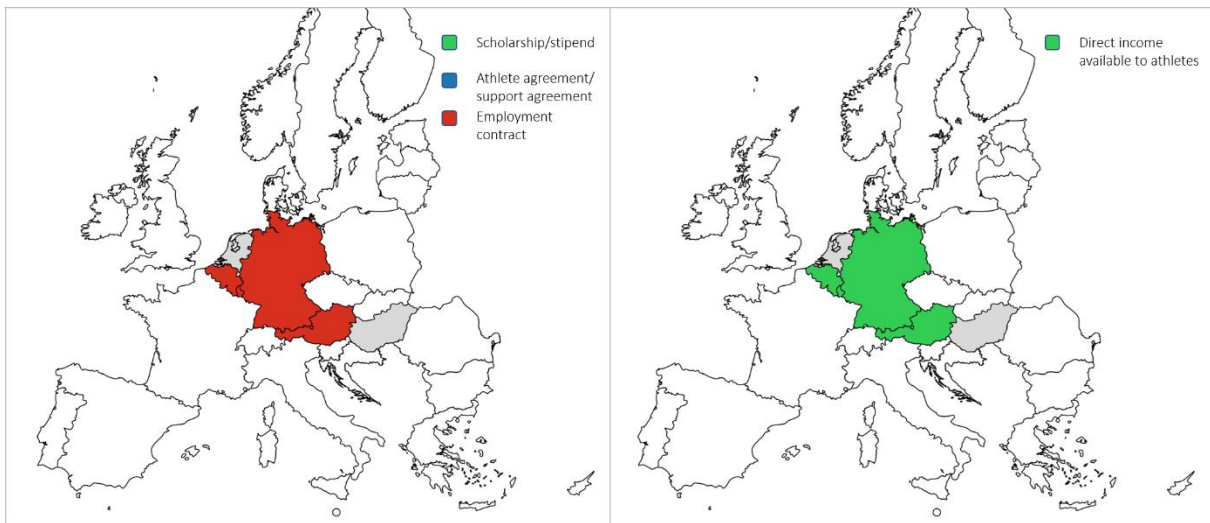




Figure 3.4: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from public authorities without a generic focus on elite sport of the Central European region.

3.7. The Role of Specific Elite Sport Organisations


In four of the six countries, specific elite sport organisations, in line with the concept utilized in this report, exist. These actors are different legal entities: in Belgium and Hungary, the organisations are public entities; in Germany and Austria, they take the form of private organisations. Interestingly, even in the two countries, where no specific organisations exist, the state plays an additional role and offers elite sport specific funding.

 While in the **Netherlands** no specific organisation exists, the *stipend programme* explained in section 4 is fully funded by the Ministry of Public Health, Welfare and Sport. The Fund for Elite Athletes is administered by a board of trustees consisting of representatives of the NOC*NSF, the NOC*NSF

 Athletes' Commission, and the Ministry. In **Luxembourg**, the Ministry of Sport also offers additional financial support for elite athletes through a *special leave grant*. Elite athletes supported by the COSL can apply for compensation payments for the participation in international competitions. In 2019, a total of 2.122 days has been compensated.

 In the **Belgian** communities, specific elite sport organisations play an important role for athletes. In Flanders, the French, and the German speaking community, three *specific state agencies* are established with the purpose to support and fund elite sports. In Flanders, athletes can be *employed as civil servants* by Sport Vlaanderen, the public body responsible for sport, in the so-called Elite Sport Employment Project. Athletes belonging to the “elite athletes” or “promising young athletes” category of the sport system and active in a discipline of the Olympic programme can sign a fixed-term *contract determined by law*. Based on the educational level and the assigned grade, athletes receive a *regular salary*. It is also possible to receive funding to support school and university education (“Elite Sport Student Project”).


Four different models exist: Elite athletes in the Elite Sport Employment Project receive 100% of the scalar salary; promising young athletes in the project receive 50% of the scalar salary. Within the Elite Sport Student Project, elite athletes receive 80% and young athletes 50% of the salary. In addition to the financial support, athletes also receive subsidies for equipment as well as career training and study support. Currently, 58 athletes have an employment contract with Sport Vlaanderen. In the French speaking community, the General Administration for Sport (ADEPS) offers similar opportunities for elite athletes. Here, athletes can sign fixed-term *contracts* for one year, which can be renewed several times. The requirements are the same as in Flanders and athletes receive a collectively negotiated *salary* as civil servants. Athletes are also supported with regards to travel expenses, the purchase of equipment and training courses. 68 athletes are employed by ADEPS. In the German-speaking community, the same model is offered by the Department of Sport, Media and Tourism and one athlete is currently employed by the entity. In all three communities, the working time of athletes does not differ from those of ordinary civil servants and is determined at 38 hours per week. These hours are divided between training, competitions and rehabilitation. The employment contract may also include commitments to attend social events to represent the agency.

 The Wesselenyi Miklos Sports public foundation is the statutory body administering the *Gerevich Aladár Sport Scholarship* in **Hungary**. Paragraph 58 (1) of the 2004 Act on Sport establishes that:


“In order to achieve outstanding sporting results at the Olympic Games, Paralympic Games, Chess Olympiad and Special World Games, the Aladár Gerevich Sports Scholarship may be awarded to athletes participating in the Olympic Games, Paralympic Games, Chess Olympiad and Special World Games, as well as to sports professionals who have contributed to their preparation, for a maximum period of four years. Sports scholarships may also be awarded to support the studies of competitive athletes.”

The scholarships are available to athletes in 22 different sports and include a monthly *regular allowance* for athletes and student athletes. The funding is provided by the Ministry of Human Resources and its State Secretariat of Sports. The public foundation administers and distributes the scholarship. The board of the foundation is appointed by the Prime Minister and consists of members of the HOC, the NSFs and other national sport governing bodies. The scholarship is also available to amateur athletes.

In Germany and Austria, a long tradition of private organisations supporting national elite athletes exist:

 The **German Sport Aid Foundation** is the key institution regarding the financial and non-material support of athletes – especially of those athletes without a position with the armed forces or any other public entity. Traditionally, the foundation collected donations and received finances from industry partners. Since 2019, the Federal Ministry of the Interior also funds the organisation leading to an increase of the financial support for elite athletes. In principle, all cadre/squad athletes in Olympic and Paralympic sports are eligible for support of the Sport Aid Foundation. However, the Advisory Committee, in collaboration with the board of directors of the foundation, can decide to exclude certain sports from the financial

support scheme. This is the case for several professional sports where athletes can earn enough money from their contracts with clubs. The decisions are made on a case-by-case basis, also distinguishing between different disciplines and gender-categories. Exemplarily, men's football is excluded from support in all age categories while women's football is included in the youth category. Furthermore, individual disciplines under the same NSF are distinguished: while for example ski jumpers are eligible for support, athletes in biathlon and alpine skiing are not. To receive the support, athletes are required to sign a standardised *support agreement* with the foundation. The agreement automatically terminates when the athlete loses his cadre status. Currently, approx. 4.000 athletes, including 500 athletes in Paralympic sports, receive the support of the foundation. The organisation has developed a *complex funding scheme* for athletes which depends on the cadre status and further individual aspects of the athlete, like whether he is a student or faces specific social conditions. The general *monthly financial support*, determined by a comprehensive policy (see Gutekunst 2020), ranges from €200 for youth elite athletes to €800 for members of the "Top Team". The financial support is reduced for athlete soldiers and civil servants. As per coordinated decree of the German Länder, the money is considered an *expense allowance* and, on this basis, athletes can avoid taxation. This further clarifies that the agreement does not imply a dependent employment of the athlete. *Prize money* is paid to athletes for successes at the Olympic Games ranging from €20.000 for a gold medal to €1.500 for place eight. The bonuses are paid over a period of twelve months. Depending on the status, further funding opportunities exist including subsidies for boarding school students or additional elite programmes of the industry partners. By signing the agreement with the German Sport Aid Foundation, athletes agree to pay a solidarity payment of 5% of their annual sponsoring related income to the foundation. The amount is capped at a maximum of €5.000 per year. In addition to the financial support, a wide array of non-material support programmes is available to elite athletes. These include workshops on social media or different coaching and mentoring programmes.

 The **Austrian** "counterpart" exists in the form of the Austrian Sport Aid. In contrast to the other countries of the region, the state does not support athletes through any sport specific entity or direct a direct funding model, except for the programme of the Elite Sport GmbH, channelled through the NSFs (see section 5). The Austrian Sport Aid is a private non-profit organisation and does not receive funding from public money. The organisation promotes elite sport through financial and non-material support. Athletes of the elite cadres of the NSFs are eligible to the support programmes and sign a *cooperation agreement* with the foundation. The agreement is fixed for one year and specifically states that no legal claim for the financial support exists. Athletes with an individual annual income of more than €100.000 are excluded from receiving financial support. Depending on performance criteria, athletes receive a *varying amount of financial support* in one of three performance categories. The monthly payment of a maximum of €1.000 per month is reduced for athlete employed by the armed forces and the police.

Further financial and non-material support opportunities exist but are dependent on the sport, the status of the athlete and additional sources of income.

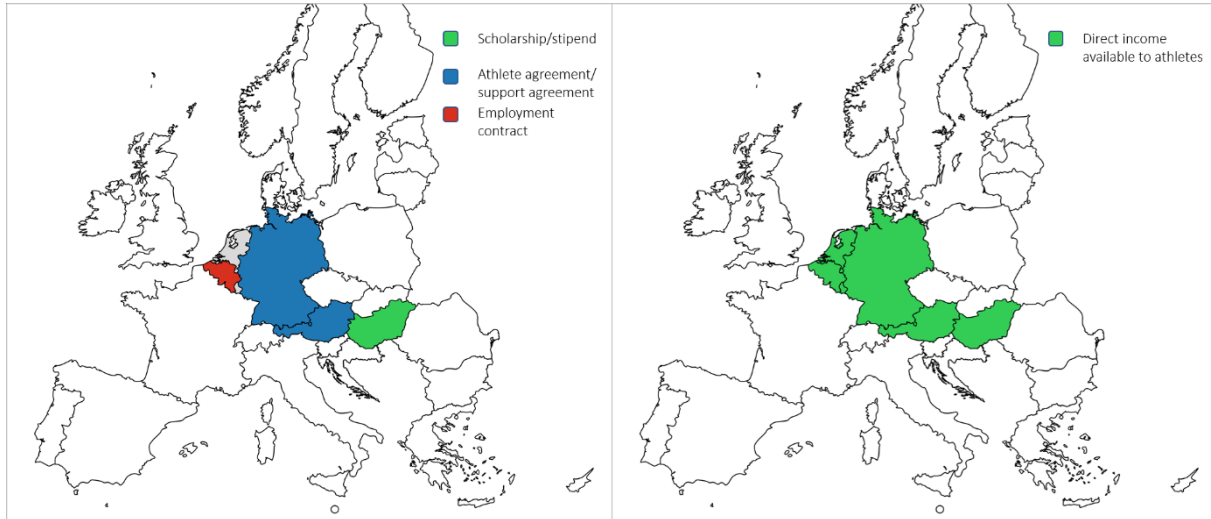


Figure 3.5: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from specific elite sport organisations of the Central European region.

3.8. Sponsorship, Self-Marketing and Additional Work


Standard/model contracts as a service which athletes might use for sponsorship deals are provided by none of the investigated actors in the six countries of the present region, though informal support, as for example practised by the COSL and FLA in **Luxembourg** and the DOSB in **Germany**, is offered in some cases. *Legal disputes and/or court rulings* specifying the relationship between athletes and sponsors have not been held in any of the countries. However, some *debates* about the relationship between athletes and sponsors occurred for example in **Belgium**. These centre mainly around cases in which the main (personal) sponsor of an athlete differs from the sponsor of a particular event.





Several actors, predominantly the NOCs and specific elite sport organisations, support athletes and provide *incentives for self-marketing and commercial opportunities*. Different types of vocational training and individual advice are the most common practices, except in **Hungary** where none of the surveyed actors has developed relevant incentives. In **Austria**, the ÖOC for example offers 30 selected athletes an individual media support for a specific period aimed at increasing the athlete's individual media value and acquiring additional sponsors. Though there are no specific incentives, the ÖLV supports athletes in identifying possible partners and sponsors as well. While public authorities and specific elite sport organisations in Austria do not provide incentives in the narrower sense, competitive athletes of the Austrian Armed Forces are granted with a special leave of a maximum of five days per year for media appearances. In **Belgium**, relevant incentives are offered by the COIB, public authorities (e.g. ministries) and specific elite sport organisations (e.g. Sport Vlaanderen, ADEPS), but not by the RBAF. The COIB

actively promotes the IOC's "Athlete 365" activities which contain a number of modules related to self-branding and entrepreneurship (e.g. sponsorship, sports media). The Ministry of Defence prepares athletes for interviews and other media appearances through specific media training (e.g. internal courses) but does not provide financial incentives. The objective is that the individual athlete can better "sell" herself/himself in view of sponsorship agreements dedicated to obtaining additional financial sources. In cooperation with Sport Vlaanderen, tailor made offers are also provided by the Belgian public employment service VDAB. In addition, Sport Vlaanderen and ADEPS offer educational programmes for athletes on various aspects, comprising media-training and specific courses on how to use social media for instance. Sport Vlaanderen also provides athletes with specific career guidance, aimed at increasing athletes' self-knowledge, assessment, and skill development for personal branding and employment purposes (still being developed). Like in Belgium, public authorities and specific elite sport organisations in **Germany** offer incentives as well. Foremost, the German Armed Forces play an important role in the promotion of athletes' self-marketing. Since 2019, the training of soldiers also includes a module on "communication and media" (Hahn 2020, p. 15). In addition, career training and mentoring programmes, including social media training and speaker coaching, are implemented by the German Sport Aid Foundation for current and former athletes. The DOSB offers seminars and workshops for athletes and their representatives on various issues, as for example on the IOC's Rule 40, and promotes athletes' communication skills (e.g. interview conduct, presentation, use of social media) through dedicated trainings. On the contrary, in Luxembourg and the Netherlands, incentives are offered solely by the NOC and national athletics federation each, but not by public authorities and specific elite sport organisations. Related incentives created by the COSL and FLA entail informal support to contact potential sponsors and partners in **Luxembourg**. While the KNAU also limits its activities to providing information on sponsorships, the NOC*NSF furthermore offers financial and legal advice with regards to athletes' sponsorship deals in the **Netherlands**.

Restrictions on self-marketing and commercial opportunities of athletes are stipulated primarily through provisions integrated into the Olympic Charter to which both NOCs and athletes must comply. Recognising the Olympic Charter, first and foremost, the NOCs presuppose that athletes also abide to the widely contested Rule 40 which restricts athletes' self-marketing opportunities during the Olympic Games (IOC 2020, p. 76). Following an amendment presented by the IOC Legal Commission in 2019, on a case-by-case basis, athletes may however negotiate individual deviations from the rule in cooperation with their NOCs which take a core responsibility in its implementation based on key principles defined by the IOC (IOC 2021; Pavitt 2019). However, not only leading bodies of the Olympic movement, but also public authorities and specific elite sport organisations lay down relevant provisions in some countries of the present region. In **Austria**, neither the ÖOC and ÖLV nor specific elite sport organisations prescribe any specific restrictions, though acknowledging that athletes have to comply with the marketing restrictions of the Olympic Charter during and prior to the Olympic Games. Public authorities however intervene to a greater extent in Austria. According to the implemented rules for competitive sports of

the Austrian Armed Forces (Durchführungsbestimmungen für den Heeres-Leistungssport (DBHLS), GZ.: S93738/57-HSpo/2018), there are some conditions and guidelines regarding sponsoring agreements of athletes. Above all, sponsoring agreements may not damage the reputation of the Armed Forces. Obligations due to sponsorship agreements not only have to be pursued outside working time, the Army's concerns and interests must always have priority and all sponsors and supporters must be reported. Sponsorship agreements of military personnel with civil servant status are subject to regulations of § 56 on the reporting obligation of secondary employment in the 1979 Federal Civil Servants Act (Beamten-Dienstrechtsgesetz (BDG)).

 In **Belgium**, the COIB adopts restrictions resulting from the IOC's regulations, for example in relation to participation in the Olympic Games or protection of intellectual property. It also acknowledges that other competitions organised by event organisers of the Olympic movement (e.g. EOC or ANOC) might apply similar rules which are specified in a code of conduct. In addition to national equipment, the RBAF also adopts regulations for sponsorships on club shirts based on the rules established by World Athletics (formerly: IAAF) (RBAF 2015). The Ministry of Defence specifies that every elite athlete must ask officially to generate cumulative income in the case self-marketing allows them to earn extra money. However, restrictions generally do not exist as long as there are no conflicts between the values of the Belgian Defence and potential sponsors, respectively a third party. Among the Flemish community, Sport Vlaanderen requires athletes committing themselves to not enter into any relationships with third parties that include provisions which are in conflict with the stipulations of athletes' underlying employment agreement with its organisation. In the case an athlete might commit herself/himself with a commercial partner, that athlete has a reporting requirement towards Sport Vlaanderen to avoid any conflicts.

 In **Germany**, restrictions on self-marketing and commercial opportunities are integrated into regulations of the DOSB to which athletes must comply. As a result of controversial debates and the decision of the German Federal Cartel Office (Bundeskartellamt) from 2019 (2nd Decision Division B2–26/17), the DOSB has published guidelines for German athletes dedicated to ensuring compliance with Rule 40 while  allowing them some possibilities for self-marketing (DOSB 2021a). In **Hungary**, the MOB specifies restrictions on self-marketing and commercial opportunities of athletes based on the IOC's Rule 40; major deviations from the general provisions are unknown. While specific restrictions have not been  established by any of the investigated actors in **Luxembourg**, the NOC*NSF and KNAU refer to related  issues in the **Netherlands**. The NOC*NSF for example has its own sponsorship deals and outlines restrictions on sponsoring by personal sponsors as part of the contractual relationship with athletes for the Olympic Games (see section 4). Yet, as in Germany, it is possible to make individual arrangements with the NOC*NSF which are in accordance with Rule 40. In the case the athlete enters into an agreement with the KNAU, it is possible for the federation to stipulate restrictions on personal sponsorship deals since it also has sponsorships of its own.

Policies, regulations, or contract provisions that restrict the athlete from pursuing additional work are put into place in most of the investigated countries, though their actual degree of regulation may vary largely.



Sponsorship agreements of military personnel with civil servant status in **Austria** are subject to regulations of § 56 in the Federal Civil Servants Act (BDG), including reporting obligations on secondary



employment (see above). In **Belgium**, the Ministry of Defence stipulates that an athlete's employment activities outside the field of Defence require prior approval. Unless approved, every elite athlete at the Ministry of Defence who wants to perform extra employment activities during her/his time as an elite athlete cannot continue as an elite athlete within the Defence for that time being. Sport Vlaanderen specifies that an athlete is asked to consult with it in the case she/he would perform additional work. Cases in which an elite athlete has an additional employment relationship are however very exceptional and perhaps even non-existing. Sport Vlaanderen demands full commitment from the athlete related to her/his sporting discipline and therefore always offers fulltime employment agreements. Possible restrictions are thus included in the underlying employment agreement. ADEPS allows for cumulative income, though specifying that this must be authorised by the Administration Générale du Sport (AGS). Restrictions among the German-speaking community do not exist.



While related restrictions do not exist in **Germany** in the narrower sense, additional work by athletes who are employed as civil servants (e.g. Armed Forces) must be approved by the employer. For soldiers, additional work might not be approved if the working time exceeds 1/5 of the regular weekly working time (more than 8h) or if the remuneration amounts to more than 40% of the annual salary of the soldier according to § 20 (4) of the German Soldiers Act (Soldatengesetz, SG) (Federal Law Gazette (BGBl) Part I, 2005-06-07, No. 31, pp. 1482-1509). While amateur athletes can generally enter into sponsorship



contracts in **Hungary**, those with a contract might (not) be allowed to enter into additional employment contracts outside their club. Professional athletes may only fulfil additional work engagements upon written consent of the responsible sports organisation/federation. Whereas the situation is less rigid in




Luxembourg and the Netherlands. Since most of the athletes are considered "amateurs" in **Luxembourg**, with only a few having either professional "private" contracts such as cyclists or the status as "sport soldier", regulations or contract provisions that restrict the athlete from pursuing additional work are applied rarely. Though a contract can in principle contain a non-compete clause and/or a prohibition of other activities, in practise, this is rarely seen in the **Netherlands** as well.




3.9. Occupational Safety and Health

Specific national laws and court decisions on the occupational safety and health of athletes have been established only in some of the investigated countries, while in most of them *general national laws* can be applied under specific circumstances, for example depending on the legal/contractual status of an athlete. Although to a different extent, *occupational safety and health measures* for athletes are

generally provided by NOCs, national athletic federations, and public authorities in the six countries, including accident insurance, mental and physical health provisions, prevention/information, safety policies, medical check-ups, and access to medical facilities. Whereas only a lower share of specific elite sport organisations provides related measures. For the period of the Olympic Games, athletes generally waive any obligations of the IOC and OCOG in accordance with the IOC Conditions for Participation Form, though some of the actors, especially NOCs, assume specific obligations as well. Outside the Games, NOCs and public authorities owe a variety of health and safety obligations towards athletes.

 In **Austria**, particularly the cases of Sahinovic in 2017 and Müller in 2018 have provoked strong implications for measures on athletes' occupational safety and health, including arguments for a greater responsibility on the parts of the ÖOC for instance (see section 3). Liabilities at sporting events are furthermore integrated into the "Sportlerhaftungsprivileg" which contains typical associated risks of the sports carried out. For other safety hazards which athletes cannot necessarily expect in their sports, event organisers must take liability for. Overall, occupational safety and health measures are provided by the ÖOC, ÖLV, and public authorities in Austria. Substantiated by the court ruling in the case of Sahinovic in 2017, the ÖOC may in principle owe specific health and safety obligations towards athletes during the period of Olympic Games, as for example accident insurance. Outside the period of the Games, the Austrian Armed Forces are responsible during working time, and the NSFs owe obligations towards athletes during competitions. The ÖLV for example establishes that all cadre athletes have insurance coverage during training and competition as well as regular medical check-ups. In addition, athletes employed by the Austrian Federal Army have a compulsory accident insurance during working time. The accident insurance in the latter two cases is a private insurance which should not be confused with the accident insurance for athletes with employee status within the compulsory insurance under the General Law on Social Security (Allgemeines Sozialversicherungsgesetz, ASGV).

 While specific court decisions have not been adopted in **Belgium**, specific national laws provide critical provisions on the occupational safety and health of athletes. Based on the community decrees (see below), a general health and safety obligation towards athletes lies with the sports federations. Affecting athletes of the Flemish community, the decree on healthy and ethical sport (20 December 2013) includes a number of minimum conditions and incentives for a health-oriented and ethical sports policy of sport organisations and federations at the levels of both grassroots and elite sport. On this basis, elite athletes can for example receive an annual allowance for sports medical screening. Among the French community, the decree on the prevention of health risks in sport (3 April 2014) that comprises a set of obligations for sports organisations and federations requires athletes, in particular competing athletes, to have a certificate of absence of contraindication to the practice of a sport. In Belgium, relevant measures are provided by the COIB, RBAF, public authorities, and by specific elite sport organisations. Outside the Games, the COIB provides athletes with health and safety measures during its training camps and multi-disciplinary competitions, including repatriation, civil liability for all, and medical liability for

physiotherapists and doctors. It for example puts a medical team (doctors, physiotherapists, psychological experts) at the disposal of the athletes. This medical support also includes screening and injury prevention, in cooperation (e.g. via the platform “Panega”) with sports federations as well as financial support from elite sport organisations such as Sport Vlaanderen and ADEPS in the Flemish and French communities, respectively. For elite athletes employed by the Ministry of Defence, physical and medical (entrance) tests are organised. Sporting accidents and others are considered work-related accidents.



Though neither specific national laws nor court decisions have been established in **Germany**, general national laws may apply depending on the legal status of the athlete. However, Weihnacht (2021) points out that athletes who are civil servants find themselves in an unclear status where obligations of civil service law mix with those of the private law of sports clubs, federations, and/or event organisers. German athletes receive an insurance package for the period of the Olympic Games from the DOSB, including accident insurance, liability, legal expenses, baggage insurance, and medical support through doctors and therapists at the venues and the German house (DOSB 2021b, p. 5). Outside the Games, among civil servants, general health and safety obligations fall upon the employer of athletes in sports groups and include a variety of provisions covered by law (Weihnacht 2021). As members of sports clubs, athletes are obliged to safety measures and insurances that are provided by the clubs. It is common in Germany that athletes have insurance coverage provided by their club during training or travels on behalf of the club. Yet, specific elite sport organisations are at the forefront in Germany. The German Sport Aid Foundation for example offers a comprehensive insurance package for all athletes who receive its support, including accident insurance, liability insurance, legal expenses insurance, and international health insurance. The organisation furthermore gives prioritised access to specific medical facilities for athletes, especially to special dentists, ophthalmologists, and private hospitals specialising on sport medicine. Prevention and education on potential sources of harm and risk are usually provided by the Olympic Training Centres.



In **Hungary**, sport-specific national laws on the occupational safety and health of Olympic athletes are integrated into the 2004 Act on Sports. As specified in section 79 § (1) of the Act, the government is authorised to stipulate provisions on a “sports health care network”. Conceiving accidents of professional athletes that occur during the practice of a sporting activity as occupational accidents in accordance with 8 § (5), professional athletes generally have an employment contract with their club and/or sports federation in which health and safety regulations must be outlined. As stated above, it is only rarely the case that athletes in Olympic sports have a professional contract. Clubs and/or sports federations (here: employers) are obliged to issue a “sports insurance” for professional athletes, including “life and sports accident insurance policies”. The federations shall furthermore establish that the sport license permitting athletes to take part in competition sport is issued only for athletes with a validated sports medical status, implying the conduct of regular health care check-ups as prescribed by 3 § (4) of the Act

on Sports. While accident insurance, medical check-ups, and access to medical facilities are provided by the MOB and MASZ, the two organisations do not adopt specific provisions on mental health, physical health, prevention/information, and safety policies in relation to facilities.

Table 3.2: Occupational safety and health provisions for athletes in the Central European region.

| Actor / Occupational safety and health provisions | Accident insurance | Mental health | Physical health | Prevention | Safety policies | Medical check-ups | Access to medical facilities |
|---|--------------------|---------------|-----------------|------------|-----------------|-------------------|------------------------------|
| NOC | | | | | | | |
| National athletics federation (NAF) | | | | | | | |
| Public authority / state agencies without generic focus on elite sport* | | | | | | | |
| Specific elite sport organisation | | | | | | | |

*Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.




Sport specific legal provisions on occupational safety and health for athletes are integrated into Article 12 (“L’assurance sociale”) of the 2005 Sports Law Act in **Luxembourg**. It is stipulated that athletes shall have a contract with at least one insurance company recognised by the state, predominantly with the Caisse de secours mutuels des sportifs (CSMS), covering liability and accident insurance, among others, adapted to specific sport disciplines. The latter is a complementary health protection that covers services which are not provided for by the compulsory CNS (National Health Fund) administered by the Ministère

de la Sécurité sociale. Athletes' obligatory sport license furthermore implies a regular medical check-up (starting with 7 years). Related sports medical examinations are operated by the public "medico-sportif" based on the modified law of 23 December 2016. While primarily public authorities are responsible for health and safety provisions in Luxembourg, including coverage of various insurance packages, the COSL, NSFs, and specific elite sport organisations establish various tools for prevention and protection as well. Elite athletes have for example the opportunity to be checked regularly in the Luxembourg Institute for High Performance in Sports (LIHPS) and its High-Performance Training and Recovery Center. Students of the Sportlycée can get medical treatments and mental guidance. Another partner is the Eich Hospital with the specialised sport department "Médecine du Sport et de prevention".


 In the **Netherlands**, some occupational safety and health measures are provided by the NOC*NSF and KNAU, including accident insurance, physical health measures, prevention/information, medical check-ups, and access to medical facilities. Though Dutch athletes enter into a formal relationship with the NOC*NSF during the Olympic Games, in the case of an acute safety hazard, it is unclear whether or not the NOC*NSF can be liable for related damages. The accident insurance administered by the KNAU covers all athletes and not just professionals. Public authorities and specific elite sport organisations do not implement relevant measures, though insurances for accidents and mental health are usually covered by the (mandatory) medical insurance.

3.10. Social Protection


In most of the surveyed countries, *general provisions of social protection* in national law may apply to athletes depending on their legal/contractual status. In the narrower sense, *sport specific social protections in national law* have only been implemented in Hungary and Luxembourg, though different types of financial support and social security measures have also been established in some countries such as Austria and Germany, for instance. Except for Austria, relevant *court cases on the social protection entitlements of athletes* in Olympic sports have not been held in Belgium, Germany, Hungary, Luxembourg, and the Netherlands. In Austria, the case of Sahinovic spurred controversial debate about athletes' rights to be granted with social protection, especially accident and disability insurance, during the Olympic Games. Overall, social protections are provided largely by public authorities of the six countries, followed by specific elite sport organisations. Bodies of the Olympic movement such as NOCs and national athletics federations are less involved.

 General provisions (general compulsory insurance) made by the public authorities apply on the basis of the legal status of an athlete as employee ("Dienstnehmer"), while sport-specific social protections in national law do not exist in **Austria**. In the light of the case of Sahinovic, not only Austrian athletes who have an employment contract with public authorities receive a general compulsory insurance and complete

coverage of social protections, but arguably also those who are in a “factual” relationship with the ÖOC during the Olympic Games ought to be granted with social protections (see above).

 In **Belgium**, provisions of social protection are related mainly to employment acts and the status of public servants (related to the applicable decree), including entitlements to receive unemployment benefits and health insurance (e.g. hospitalisation insurance). Social protections for athletes are provided by the COIB, public authorities, and specific elite sport organisations. The COIB for example runs the “SOLIMEDA” programme (“SOLIdarity for Olympic MEDAllists”). The programme which is managed through a separate foundation aims to provide financial assistance to Olympic medallists who find themselves in social, societal, and/or financial difficulties after their sporting career.³³


 In the case athletes are employed by a sports club in **Germany**, they are obliged to the same general social protection provisions as other employees and workers. General provisions made by public authorities and specific programmes developed by the German Sport Aid Foundation foster the social protection of athletes, including mainly pension/retirement schemes and health care. Police officers and/or soldiers employed by the German Federal Police, respectively Armed Forces, for example receive mandatory health care that is fully provided by the state. Customs officers, like other civil servants in Germany, must have private health care but receive a 50% subsidy on health costs. Private pension schemes are furthermore funded by the BMI and channelled through the German Sport Aid Foundation. When concluding a specific private pension contract which is also supported by federal law, athletes receive a monthly grant of €250 to the contract.³⁴ Available to approx. 900 athletes, currently 400 athletes make use of it. A comprehensive policy on occupational disability protection does not exist, though in individual cases funds for affected athletes are established to support athletes. Neither has a specific policy on maternity protection been established for cases in which an athlete loses her squad status due to pregnancy/children. Individual solutions can however be found to uphold the financial support. Unemployment assistance can only be considered “ideational” due to the absence of financial contributions.


 In **Hungary**, general provisions of social protection may apply to athletes on the basis of an employment contract without any specific income threshold (e.g. statutory maternity protection, accident insurance). While some of the professional athletes are thus covered, amateur athletes with/without a sports contract are not necessarily granted with the listed provisions. Some social protections are provided by the MOB and public authorities, whereas many services such as occupational disability protection, health care, loss of income insurance, and unemployment assistance are not covered. The MOB for example provides

³³ Comprehensive information on the Solimeda programme is available at <<https://teambelgium.be/fr/page/services#solimeda>>, accessed 5 October 2021.

³⁴ For further information see the website of the German Sport Aid Foundation: <https://www.sporthilfe.de/ueber-uns/medien/pressemitteilungen?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=news&tx_news_pi1%5Bnews%5D=337&cHash=a4269256a9d2051a4a6e74b3aecd26e6> accessed 10 September 2021.












































maternity protection services. Maternity leave is considered if the athlete would like to continue after giving birth to her child. In this case, payments may be reduced by small percentages and then normalised after birth. Yet, social security costs are paid for athletes in Olympic sports who are employed by a club. The Hungarian state furthermore established a comprehensive pension/retirement scheme consisting of a benefit payable to certain athletes of Hungarian nationality under the provisions of the 2004 Sport Act. This “Olympic Life-pension” (annuity) is a pension/retirement scheme for medallists of the Olympic Games and other athletes with outstanding results in sport given by the State Secretariat of Sports. Relevant rules are set out in the Act (§ 59-61/A: “Olympic rent”) and the government decree on the Olympic allowance and have been amended in a number of cases since the adoption of the legislation. The law also contains detailed provisions on eligibility (approved by the sports administration agency), submission of claims, payments, the right to claim, possible ineligibility, and the withdrawal of the pension. In 2017, approximately 860 persons received such a pension including athletes, coaches, and widows of athletes. The pension is not a fixed amount, but an amount calculated by the Central Statistical Office as the average nominal gross national wage and salary income of the previous year. The second and third place finishers receive sixty and forty percent of this amount, respectively. In addition, the Hungarian Government awards the title of the “Nation’s Athlete” to “twelve athletes of Hungarian sport having turned sixty (60) years of age and having attained outstanding achievements” and grants these athletes a life-time pension as stipulated in § 62 of the Act.

The compulsory social protections under the national health fund (CNS) generally apply to all athletes in  **Luxembourg**. Although labour law does not contain a special mention of professional athletes in Luxembourg where “sportsman/sportswoman” is not recognised as a specific profession, each athlete (on every level, including amateurs) is furthermore protected with her/his sport license and/or employment relationship via additional social insurances (e.g. CSMS - see section 9). Apart from the provisions under Article 12 of the Sports Act on social insurances for athletes in Luxembourg, in accordance with Article 14 on elite athletes (“sportif d’elite”), the state may furthermore cover the (entire) social security costs in the case an elite athlete’s wage is/falls below the national minimum salary. Additional legal statutes on sport specific related social protections are currently being prepared in Luxembourg. Social protections, including pensions/retirement schemes, occupational disability protection, health care etc. (see above) are provided solely by public authorities.

 In the **Netherlands**, for most provisions the athlete must qualify as an employee with an employment contract. In this case, the athlete can apply for basic social security provisions, including pension insurances (after 67 years), based on the general legal framework for people who live (d) in the Netherlands. On the basis of this employment contract, the state provides athletes with social protections such as pension/retirement schemes, occupational disability protection, health care, loss of income insurance, and unemployment assistance. All these provisions are ensured by the national government, without any special arrangements for professional athletes except for athletes who are part of a stipend programme. In fact,

the latter also qualify for social security benefits because the agreement between the athlete and NOC*NSF is considered an employment contract for tax and social security purposes. The scholarship, thus, brings athletes into the realm of state statutory social protection. Maternity protection and leave are administered by the KNAU and are only applicable in the case of an employment contract between the federation and the athlete.

Table 3.3: Social protection provisions for athletes in the Central European region.

| Actor / Social protections | Pension / Retirement scheme | Occupational disability / Loss of income protection | Health care | Maternity protection / Parental leave benefits | Unemployment assistance |
|---|--|--|--|--|--|
| NOC |  |  |  |   |  |
| National athletics federation (NAF) | | | |   | |
| Public authority / state agencies without generic focus on elite sport* |      |      |      |      |      |
| Specific elite sport organisation |    |   () |   |  |  |

* Statutory social protection provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.

Public debates about precarious / risky social conditions of (former) athletes in Olympic sports have taken place in the majority of the present countries. Public debates on the (high) tax rate applicable to Olympic bonuses for athletes, the limited social security contributions athletes (mainly football players) have to pay, and the lack of career perspective after the elite sporting career have been held in **Belgium**. The latter has been answered largely by a number of initiatives on dual career. The topic of athletes' pensions has caused public debates in **Germany** (Breuer et al. 2018). The public subsidies channelled through the German Sport Aid Foundation (see above) now provide a first approach to solve this issue. Several abuse scandals (e.g. sexual violence) also spurred public debate about the social conditions of athletes in both elite and leisure sports (Ohlert et al. 2018). The latter two issues have appeared on the agenda of the German Bundestag's Sport Committee. Heink (2012) furthermore underlines that breaches with the applicable working time acts are common in professional sports. In Olympic elite sports, Breuer et al. (2018) show that the income of athletes is in general very low, especially under consideration of their working hours and gross hourly income/wages. Public debates have also emerged in **Hungarian** sport. In the past, some Olympic champions sold their medal since they struggled to make a living. The question arose how to ensure the livelihood and

financial security of retired athletes, leading to a pension for retired athletes as stated above. However, only those with the most outstanding results are included, while those competing at the national (and international) level may still experience problems. In **Luxembourg**, public debates for example emerged in relation to a considerable number of talented Luxembourgian athletes who leave the country in their striving for sporting excellence due to presumably promising career prospects abroad, leading to the creation of the LIHPS, among others. The latter is primarily aimed at supporting Luxembourgian elite athletes, but also offers programmes and activities for foreign athletes. With the creation of the LIHPS, dual career has for example become a mandatory funded pillar. Public debates in the **Netherlands** have for example been held in relation to occupational disability payments that are limited to athletes with extraordinary sporting success, respectively world class performance.

3.11. Participation and Bargaining

With regard to the representation of interests of Olympic athletes, there is no specific employment or labour-related representation of interests in most countries. In all six countries under investigation, there are athletes' commissions in the National Olympic Committee. In Austria, Belgium, Luxembourg and the **Netherlands**, athletes' commissions also exist in the National Athletics Federation. While in the **German** case of the national athletics federation no athlete body exists, an athletes' commission will be implemented in the **Hungarian** federation MASZ until 2024. The explicit role of these commissions in shaping employment relations of athletes remain questionable.

In **Hungary**, the position of the "general ombudsman" is implemented, whose most important task is to investigate cases of abuse of constitutional rights and to initiate general or specific measures to remedy them.

As a rule, there is no athlete representation in the specific national elite sport organisations, only in **Belgium** in the case of the Flemish Community such a representation has been implemented. In contrast, athletes who are employed in state organisations have the regular participation mechanisms that are anchored in national labour relations.

Specific bargaining agreements do not exist between athletes and the sports organisations. The athletes' agreements have a different character and are mostly prescribed by the federation.

In the investigated countries, independent athlete associations and organisations exist in Germany and the Netherlands. In **Germany**, the general assembly of athlete representatives, the body electing the members of the Athletes' Commission of the DOSB, gave a vote to establish an independent athlete association in 2017. In the following months, an organisation under German club law, called Athleten Deutschland (Athletes Germany) was founded. The independent organisation supports the work of the DOSB Athletes' Commission with professional staff and receives funding from the Federal Ministry of the

Interior since 2018 (Seltmann 2021). Although not a union under German law, the association can file class action suits on behalf of its members (Athleten Deutschland 2020) and has been addressed by the German Federal Cartel Office on the complaint against Rule 40 of the IOC Charter (see section 8). In the **Netherlands**, NL Sporter is an association of athletes that provides support for elite athletes. The organisation mainly offers individual legal advice to athletes and does not qualify as a trade union under Dutch law.³⁵



While the influence of (sports) trade unions generally is limited in the investigated countries, the Confederation of Christian Trade Unions of **Belgium** (ACV / CSC) offers the opportunity for youth and top-level athletes to become a member within the sector grouping CSC Sporta, United Sports and provides support to athletes in negotiations with clubs and federations.³⁶



3.12. Specificities, Current Conflicts and Issues

In five of the six countries under scrutiny, no employment or labour-related conflicts have been highlighted in recent years. The situation is different for **Germany**. The founding of the organisation Athleten Germany as an independent association caused conflicts and highlighted the lines of tension vis-à-vis the DOSB. The DOSB rejected the foundation because the umbrella association considered itself as the exclusive representation of the athletes and spoke out against the plan to establish structures beyond organised sport. In the end, the founding act took place with the strong involvement of politics.



In addition to political conflicts, legal disputes are also pending in Germany. For example, in a decision by the Regional Court of Frankfurt am Main (OLG Frankfurt a. M. 07.10.2020; 2-06 O 457/19), a ruling was made on the character of athletes' agreements as general terms and conditions, which fundamentally strengthened the position of athletes. The same applies to the decision of the Federal Cartel Office (Bundeskartellamt), which granted German athletes more advertising opportunities at the Olympic Games. However, the "Bundeskartellamt" did not follow the likewise demanded participation of athletes and coaches in the IOC revenues.

³⁵ Further information on NL Sporter can be found here: <https://www.nlsporter.nl/>

³⁶ For further detail on the union, please visit: <https://www.lacsc.be/la-csc/secteurs/sport-et-detente/secteurs/223.00-sport/jeunes-et-sport-de-haut-niveau-united-athletes-les-soutient>

Literature Chapter 3

- Athleten Deutschland e.V. (2020) 'Satzung des Vereins "Athleten Deutschland e.V."', <https://athleten-deutschland.org/wp-content/uploads/20201114_ADeV_Satzung-2020_Reinfassung-1.pdf>, accessed 10 November 2021
- Breuer, Christoph, Wicker, Pamela, Dallmeyer, Sören and Ilgner, Michael (2018) *Die Lebenssituation von Spitzensportlern und -sportlerinnen in Deutschland* (Bonn: Bundesinstitut für Sportwissenschaft)
- Bundeskanzleramt Österreich (2020) 'Aus Verantwortung für Österreich: Regierungsprogramm 2020-2024', Druckerei Walla GmbH, Wien
- Deutscher Olympischer Sportbund (DOSB) (2021a, 10 May) Werbemöglichkeiten und -grenzen während der Olympischen Spiele Rule 40 und Social Media Leitfaden des DOSB für Deutschland (<https://cdn.dosb.de/user_upload/Olympische_Spiele/Tokio_2020/Leitfaden_Rule40_DOSB_2019_v1.pdf>)
- Deutscher Olympischer Sportbund (DOSB) (2021b, 2 March) TEAM D-VEREINBARUNG FÜR ATHLET*INNEN (<https://cdn.dosb.de/user_upload/Olympische_Spiele/Tokio_2020/Team_D-Vereinbarung_fuer_Athletinnen_final.pdf>)
- Esping-Andersen, Gøsta (1990) *The three worlds of welfare capitalism* (Princeton, N.J.: Princeton Univ. Press)
- Gutekunst, Thomas (2020) 'Förderung der beruflichen und persönlichen Entwicklung durch die Deutsche Sporthilfe', *Leistungssport*, 50:6, 11–13
- Hahn, Andreas, Zinner, Jochen and Schönherr, Kirstin (2020) 'Duale Karriere bei der Bundeswehr', *Leistungssport*, 50:6, 14–17
- Heink, Peter (2012) Sportspezifischer Arbeitszeitschutz: Anpassung des Rechts oder Anpassung an das Recht? (Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG)
- Henry, Ian (2009) 'European Models of Sport: Governance, Organisational Change and Sports Policy in the EU', *Hitotsubashi journal of arts and sciences*, 50:1, 41–52
- International Olympic Committee (IOC) (2020) OLYMPIC CHARTER (Lausanne: International Olympic Committee)
- International Olympic Committee (IOC) (2021) COMMERCIAL OPPORTUNITIES FOR PARTICIPANTS DURING THE RESCHEDULED OLYMPIC GAMES TOKYO 2020 (IN 2021) (Lausanne: International Olympic Committee)
- Ohlert, Jeannine, Seidler, Corinna, Rau, Thea, Rulofs, Bettina and Allroggen, Marc (2018) 'Sexual violence in organized sport in Germany', *German Journal of Exercise and Sport Research*, 48:1, 59–68
- Pavitt, Michael (2019, 21 April) 'No clear cut solution to Rule 40 and athlete representation debates' (<<https://www.insidethegames.biz/articles/1078230/michael-pavitt-no-clear-cut-solution-to-rule-40-and-athlete-representation-debates>>)
- Royal Belgian Athletics Federation (RBAF) (2015) Reglement 'Shirtsponsoring' – KBAB – 21/09/2015 (<<http://www.atletiek.be/admin/storage/main/reglement-shirtsponsoring-kbab-21-09-2015.pdf>>)
- Schneider, Gustav (2018) "'Fall Sahinovic": Die Folgen einer vertretbaren Entscheidung', *Causa Sport*, 1, 103–109
- Seltmann, Maximilian (2021) 'The Institutional Position of Athletes in the Governance Networks of the Olympic Movement in Canada, Germany and the United Kingdom', *The International Journal of the History of Sport*, 38:10-11, 1165–1188
- Weihnacht, Jan (2021) Das Sportbeamtenverhältnis der Bundespolizei: Die Konstruktion einer beamtenrechtlichen Spitzensportförderung (Berlin: BWV Berliner Wissenschafts-Verlag)

4. Eastern Europe

Pawel Zembura

This Regional Summary addresses the countries Poland, Estonia, Lithuania, Latvia, Slovakia, and Czech Republic.

4.1. Background: National Sport Systems


The national sport systems in the analysed Eastern European countries (Poland, Czech Republic, Slovakia, Estonia, Lithuania and Latvia) all seem to have similar legal frameworks. All countries have a specific sport law, and in half of them – Poland, Czech Republic and Lithuania – sport is present in the constitution.


In most of the countries (Estonia, Poland, Latvia, Lithuania), other than sport federations, there are just two entities that are responsible for organising elite sport: the National Olympic Committee and the Ministry responsible for sport. The responsibility for such management is divided differently in the remaining countries: while in **Estonia** the Estonian Ministry of Culture is responsible for elite sports funding and the Estonian Olympic Committee is responsible for organising elite sports system in Estonia, in **Poland**, the Polish Olympic Committee has a marginal role in organising elite sport, while the Ministry responsible for sport takes a leading role. Since introducing the National Sport Agency in the **Czech Republic**, the Ministry of Youth, Education, and Sports no longer plays a big role in the organisation of elite sports anymore. In **Latvia, Poland** and **Czech Republic**, given the ministry is responsible for funding, relations between the public authorities and organised sport in Olympic sports might be considered principal-agent, yet that they have autonomous relations in terms of competencies. On the other hand, in **Lithuania** the Olympic Committee is mostly an autonomous organization, which derives the majority of its income from Olympic lottery money. Moreover, the Ministry of Education, Science & Sports is in a cooperative relationship with the National Olympic Committee.



In most countries there are public agencies without a generic focus on elite sport which play a role in the support of elite athletes. In particular, these are ministries responsible for sport in a specific environment: in military, higher education etc.




In the Czech Republic and Slovakia there are additional entities with a crucial role in elite sport systems – resort centers. In **Slovakia** there are three resorts centers: the DUKLA Banská Bystrica Military sports center, the Police sport center and the National Sport Center. Similarly, in the **Czech Republic** there are three resort centers, each established by a different ministry: Ministry of Defense – the Dukla resort sports center, the Ministry of Interior – the Olymp resort sports center, and the Ministry of Youth, Education, and Sports – the Victoria resort sports center. These resort centers play an important role in terms of athletes' employment relations, as elite athletes are associated with particular resort centers when a part of national elite sport programme in Czech Republic.

With regards to specific elite sport organisations, in 2019 the National Sport Agency was established in  **Czech Republic**, which is now the responsible branch for elite sport. Before that, sport was the agenda of the Ministry of Education, Youth, and Sports. The sport resorts centers in the **Czech Republic** and **Slovakia**  under the auspices of the Ministry responsible for sport are also considered as specific elite sport organisations within the scope of the definition used in this report. While not specific organisations, the ministries responsible for sport themselves assume a role in supporting elite athletes in **Lithuania** and **Poland**.  

 In some of the other countries, there are public institutions that are responsible for ensuring training conditions for elite sports. As an example, the **Lithuanian** Sport Centre is a state funded institution and its purpose is to ensure the appropriate exploitation of the residential and sport infrastructure that was created by the country and given over to manage for the purposes of preparation of athletes, the organisation of physical education and sport events and other activities which are useful for the public.


 In **Poland** the public research institute under the control of the ministry responsible for Physical Culture – the Institute for Sport – coordinates the Team100 Programme, whose aim is to directly support promising athletes. In 2021, the Central Military Sports Team has been developed, which aims to support elite sport in the military by establishing procedures regarding elite sport development in the military and conditions that enable elite athletes in the military to train and prepare for competitions (Central Military Sport Team, 2021).

In some of the countries, local authorities were referred to as important actors in terms of elite sport. In  **Poland** local authorities financially support elite sport in an amount that surpasses that on a national level, as the local authorities have independence regarding setting their local priorities in supporting sport (Act on Sport, 2010; GUS, 2021). The situation seems similar in **Latvia**, **Lithuania** and **Estonia**, where local authorities are entitled to various forms of support for elite sport.   

 Some other important national actors were referred to in particular countries. The **Lithuanian** Union of Sports Federations (LUSF) is an umbrella organisation that in 2021 united 70 members, including Olympic and non-Olympic sports federations. The main objectives of the LUSF are oriented towards the promotion, dissemination and development of sports in Lithuania, in partnership with other sports organisations; the coordination of the performance of sports federations; and the defence of the legal rights as well as interests of its members. The **Slovak** Olympians Association (SAO) is an association of athletes (participants of the Olympic Games) operating throughout Slovakia. SAO's role is, among others, to help Olympians to integrate into civic life and to provide social and health care to this group. The Cultural Endowment of **Estonia** primarily supports Estonian culture, but also sports, and in particular elite sports, by supporting projects and athletes directly.  


Poland and Czech Republic had the largest number of athletes participating in the last Summer and Winter Olympic Games. The exact number of athletes who are a part of a national elite sport programme was not clear in case of Czech Republic and Slovakia.

4.2. Background: National Employment Relations and Welfare Regimes

 In all of the investigated countries there is a form of a labour code / employment act that is the key legal act regulating relations between employers and employees. It sets out conditions under which work can be carried out. As an example, employment contracts in **Poland** cannot be less advantageous to the employee than the Labour Code and secondary regulations (Labour Code, 1974). However, the provisions of the Polish Labour Code and other acts concerning labour law apply only to persons employed with employment agreements. That means that the Labour Code does not apply to athletes other than the ones employed in military forces.

The topics addressed in national employment law in the six Eastern European countries include following provisions:

- maximum working hours (100%)
- fixed-term contracts (100%)
- maternity leave (100%)
- educational leave (67% - except in **Czech Republic and Slovakia**)
- annual holiday (100%)

 Collective regulations of employment relations are not very common in the studied region. In Estonia, only approximately 6% of organisations have contracted it. In **Poland**, they can take place either at the level of single companies or workplaces or at a multi-workplace level. The majority of employees are not covered by collective agreements at any level in Poland. According to the survey of the Public Opinion Research Centre, the percentage of all adults declaring membership in a trade union in 2013 amounted to 5% (and a decreasing trend is observed) (Public Opinion Research Center, 2013). Collective agreements at the level of individual organisations or companies are more common and much more significant (Fulton, 2013).

The welfare system in the studied Eastern European countries is similar and covers:

- health care (100%)
- accidents/occupational disease benefits (100%)
- old-age/pension (100%)
- unemployment benefits (100%)
- long-term care (67%)

 Long term care benefits are not available in **Czech Republic and Latvia**.

4.3. Legal Status of Athletes in Olympic Sport

According to the gathered data there are no cases on the status of athletes in Olympic sports under national employment law. In five out of six countries there are no specific legal provisions in national labour law to regulate sport. In **Estonia** the national labour law provides specific measures to regulate sport as it is possible to pay athlete support that is not taxed (up to an amount of two minimum wages per month). In some of the countries there are specific provisions regarding employment relationships within sport written into sport acts. These primarily refer to specific information about public stipends such as eligibility rules, maximum duration and amount of the stipend. Sport stipends might be associated with social protection mechanism. In **Poland**, stipend holders are eligible for mandatory social security. In some cases, the sport acts regulate the social protection of athletes and define professional sport contracts. As an example of such regulation, in **Poland** female national team members who are not able to compete due to pregnancy or giving birth receive full stipend throughout their pregnancy and 50% of the stipend for 6 months after giving birth (Act on Sport, 2010).

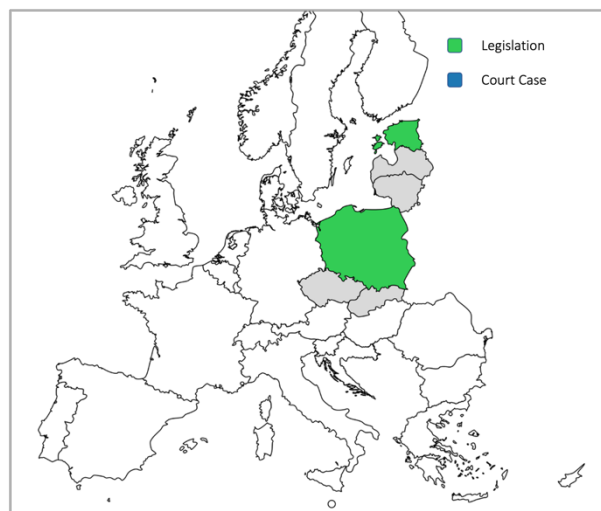


Figure 4.1: Legislation and court cases on the legal status of athletes in Olympic sports in the Eastern European region.





Summarising country reports in Eastern Europe, it seems that the NOC sometimes plays a role in contractual relations with athletes as a funding party of stipends. Sport federations primarily play a role as a party ensuring “quality-control” of athletes who receive stipends (from public agency, NOC or federation), and public agencies most commonly fund stipends. The importance of the NOC depends on its national function – mainly if it redistributes public funding to elite sport. In **Poland** the NOC does not have such a role, whereas in the case of **Estonia** it does.

There are no event-specific contracts in the studied countries, but for the most part one- or two-year stipends are available for athletes achieving high performance in international competition. Stipends are usually awarded based on particular past achievements. In some of the countries, categories of athletes based on their success are mentioned (such as A, B, C categories or gold, silver, bronze in case of **Latvia**).

Depending on the category, they receive various forms and levels of support. Furthermore, in some countries, such as **Poland**, there is a pool of stipends available for athletes who, due to some circumstances, have not achieved success.

In most of the countries there is also an opportunity to be employed by military forces while pursuing a sporting career. By becoming an employee of military forces athletes have all the benefits associated with their status as employees and receive special treatment due to their sporting career. Such an opportunity is usually reserved to a very limited number of high-performance athletes. Formalisation of the process of becoming an athlete in military forces, including underlying eligibility criteria, varies between countries.

Table 4.1: Potential employment relationships of athletes in the Eastern European region.

| Actor / Employment contract available |  CZE |  EST |  LAT |  LIT |  POL |  SVK |
|---|---|---|---|--|---|---|
| NOC | | | | | | |
| National athletics federation (NAF) | | | | | | |
| Public authority / state agencies without generic focus on elite sport | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Specific elite sport organisation | ✓ | | | | | ✓ |

4.4. The Role of the National Olympic Committee

The countries differ based on contractual relationships of athletes with the National Olympic Committee outside and during the period of the Games. Contracts with the NOC outside the Games period exist in Czech Republic, Latvia and Lithuania. The contracts usually also cover the period of the Olympic Games, with the exception of the Czech Republic. In most cases (except Slovakia and Poland) athletes might receive “direct income” (i.e. money which athletes receive for their personal and independent use) from the NOC.

The contract in **Lithuania** is a stipend, which is earned through high performance in international level competition (European or World Championships). Requirements are defined and standardised to all sports. The amount of stipend money is fixed. The Lithuanian Olympic Committee stipends can be paid indefinitely and depend on sporting achievements. If qualification competitions in which athletes would be eligible to participate and record sporting achievements do not take place, athletes can be left without the possibility to earn income. Olympic Games medallists and World Championships winners receive a

permanent stipend. According to Sports Law Article 25, such stipend is paid until the athlete retires, at which point they start receiving a pension. In **Lithuania** the NOC also provides equipment for the athletes. Furthermore, the NOC allocates funds to the federations for athletes' equipment and medicine. Depending on the athlete level, the federation undertakes the responsibility to cover the expenses for taking part in the international competitions, but federations have to provide such services during the World or European championships.



In the **Czech Republic**, athletes can apply for stipends or award, which is usually related to talented athletes and their development. It can also be considered a contract outside the period of the Olympic Games, depending on the context. It is up to a specific sports federation to decide whether the athlete is qualified to receive (apply for) a stipend. The exact criteria that an athlete must fulfil to enter into a contractual relationship with the NOC are not available. In the Czech Republic there is transportation and accommodation compensation available for major events.



In **Latvia**, a standard cooperation agreement is signed between the NOC, the sport federation and an athlete. Qualification criteria is publicly available, as are the grounds on which the contract might be terminated. Based on the agreement, an athlete receives between €270 and €2.200 per month. The agreement is signed for one year. Another organisation of note in Latvia is the Latvian Olympic Social Fund, an organisation founded by the Latvian Olympic Committee. One of the aims is to provide a monthly grant for candidates and members of the Latvian Olympic team and their coaches, using the state budget and other financial resources allocated to the fund.



In **Estonia**, the NOC sets a standard procedure for national sport federations to contract individual athletes (outside Games period). The NOC has a contract with sports federations and demands that each sports federation make contracts with athletes who get elite sports support from the NOC. Such a procedure does not exist in the other countries, either outside or during Games period. In addition, the NOC funds a system called Olympic preparation support, which has A, B and C (athletes) categories related to basic funding schemes. A and B athletes have two different categories of support: preparation and salary. The salary is meant to be for personal use while preparation support is for the sports activities. C athletes only receive preparation support. There is also preparation support for young athletes. All such support is paid through sports federations once a month. Athletes also receive extra support for preparation for international competitions, known as Team Estonia support. Team Estonia is an Estonian elite sports project coordinated by the NOC. Athletes can use this support for any kind of expenses related to preparation for international competitions. In June 2021 135 elite athletes and 107 young athletes were a part of Team Estonia.

As there are no employment contracts between the NOC and athletes in any of the countries, and working time is not directly mentioned in contracts. In the case of stipends, athletes usually have an

obligation to accept and participate in preparations and competition schedules, requiring time allocation.

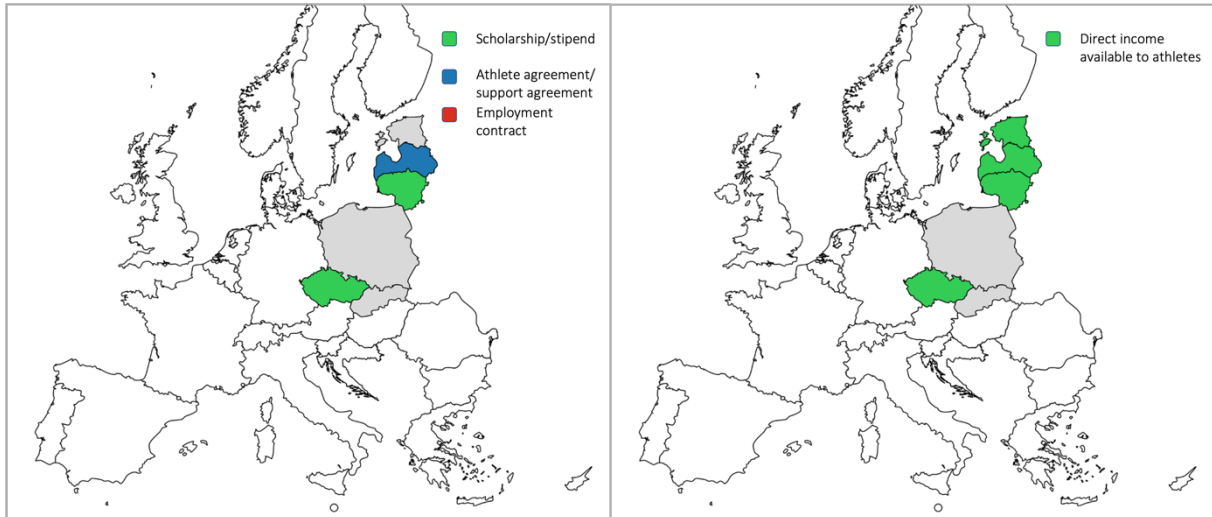


Figure 4.2: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the NOCs of the Eastern European region.

4.5. The Role of the National Athletics Federation

In all countries except Slovakia and Latvia athletes might have some form of a contract with the national athletics federation. It seems that these contracts have some commonalities. Firstly, these are not employment contracts. Secondly, the focus is primarily on accepting conditions to prepare for competition according to the federations' plan. Thirdly, it often seems that a contract with the national athletics federation is primarily a condition to ensure other sources of income – from the ministry or NOC (so that the federation has a mediating role). Direct income from national athletics federations is not commonly paid.




In the **Czech Republic** the coaches, athletes, and other stakeholders have to sign a specific contract with rights and obligations they have regarding the relationship with the athletics federation. However, this contract is not equivalent to an employment contract and is not much related to the financial benefits of the athletes.







In **Estonia** the contract is usually between the national athletics federation and an athlete. It is rather a service agreement or an agreement with rights and obligations. It is signed if an athlete gets elite sports support from the NOC through sports federation and if an athlete belongs to the national team in some title competition. The duration is usually one year, or one season and it is possible to change or end it anytime. Usually, the contract is the same for everyone, except for the level of support. Some of the athletes receive stipends from the national athletics federation, which is paid by the NOC. In addition,

the national athletics federation also supports their national team candidates, for example by paying them stipends before important international competition.

 In **Poland** in order to receive a stipend from the Ministry responsible for Physical Culture, athletes who are members of the national team of a particular federation have to sign a commitment to participate in the preparation process developed by the national sport federation. The National sport federation, as well as athletes themselves, might apply for stipends for a period between 12 and 24 months. The stipends are paid monthly (Ministry of Culture, National Heritage and Sport, 2021). There are also stipends paid directly by the Polish Athletics Federation for national team members. However, the budget of this fund was very limited (about €45.000 in total, annually) (Polish Athletics Association, 2020).

 In **Lithuania** some federations have contracts with athletes, but this is a small percentage (about 10 percent). For example, in the case of athletics, the federation's sponsor 4F requires the federation to sign a contract with the athlete. The administrative burden (periods, terminations/extensions) of signing a contract falls on the administration of the federation.




In all six countries there are forms of indirect income and other benefits that national athletics federations offer athletes. In **Latvia** the national federations can provide athletes with equipment, clothing, camps and covering travel costs. In the **Czech Republic** there is transportation and accommodation compensation for major events. In **Estonia** participants of international competitions get extra support for preparation, and equipment if needed, as well as free accommodation and transportation related to the competition. In **Slovakia** a system of financial support for athletes is available. In **Lithuania** federations usually provide training gear for athletes. To summarise, it seems that these additional benefits refer to covering costs of participation in events and preparation, as well covering the costs of training equipment.

 It seems difficult to summarise how direct and indirect forms of income are transferred by national athletics federations. In Czech Republic it is usually one-off payment or compensation related either to prepare for the major events or because of good results. In **Poland** – it is a regular monthly stipend.

In none of the countries there are national athletic federation policies, regulations or contract provisions that would restrict the athlete from pursuing additional work.

Similar to contractual relationships with the NOC, direct questions about working time seem irrelevant. Working time is not an issue introduced in employment relations between national athletic federations and athletes. No references to working time were found in country reports.

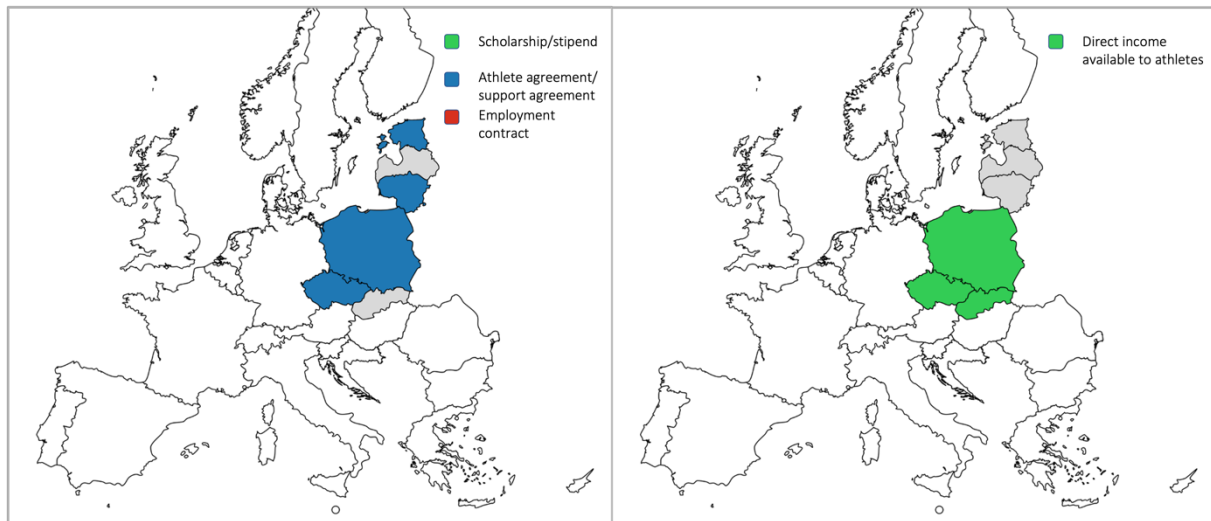




Figure 4.3: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the National Athletics Federations of the Eastern European region.


4.6. The Role of Public Authorities Without a Generic Focus on Elite Sport

In all of the analysed Eastern European countries, there is a contractual relationship between athletes and public authorities/entities or state agencies without a generic focus on elite sport supporting elite athletes. Employment within military forces allows for employment relations, with a monthly salary and other benefits offered by the employer. The responsibilities enable athletes to train and participate in competition, while being employed by military forces.

In Czech Republic and Slovakia there are resort centers – training centers coordinated by relevant ministries. In the case of the **Czech Republic** an employment contract is signed between the ministry representing the national resort center (established by one of the three ministries mentioned in section 1) and an athlete. To sign a contract the national federation must consider the athletes qualified/eligible. However, actual regulations which would describe what “qualified” means are not uniform, so the decision is, in reality, up to the representatives of the national federations. Besides, successful athletes can be rewarded for their success by becoming part of the armed forces, which is financially favourable. However, in the Czech Republic, such an opportunity exists only for athletes associated with a military sport center. Exact criteria on how to receive a contract from the military are not clear. Usually, it is a reward for international success. One of the insiders have mentioned that in the resort sports centers athletes have a fixed-term contract (with the Ministry) which is usually renewed every year. The situation is similar in **Slovakia**, where three sport centers operate under particular ministries: the Military Sports Center (Ministry of Defence), Police Sport Center (Ministry of the Interior) and National Sport Center (Ministry of Education, Science, Research and Sports).

 In **Poland** selected athletes also have employment contracts with military forces. As one of the national sport federation presidents mentioned, there used to be little regulations regarding employment of athletes in military forces until 2021. Thus, sport federations competed between each other to put their athletes on a military employment list, which was an opportunity for athletes to develop their sporting career in secure financial conditions. Currently, just over 200 athletes are employed by military forces in Poland under the Central Military Sports Team, and system of sport teams in military was recently centralised (Central Military Sport Team, 2021). Recently, an open recruitment competition to join this team has begun. One of the requirements is that an athlete has to be a member of a national team in an individual sport.

 Employment in military forces is also available in **Lithuania** and the criteria to receive a contract are transparent. Armed forces have their internal regulations where there is a quota for each sport. For example, the modern pentathlon in 2021 has six athletes. The number changes every year and there are currently approx. 30 athletes in the programme.

 In **Latvia**, federations arrange agreements for athletes with a public authority/state agency without a generic focus on elite sport. The Ministry of the Interior and the Ministry of Defence, in co-operation with the Ministry of Education and Science, support the training and competition possibilities of the best athletes of the state. Athletes can thus be employees of the Ministry of the Interior and its institutions or serve as soldiers with the armed forces. Furthermore, athletes may receive stipends from the Ministry of Education and Science (elite sport is one of the four sport policy directions) which are not employment contracts. The exact number of athletes in a support system is not available in Latvia.

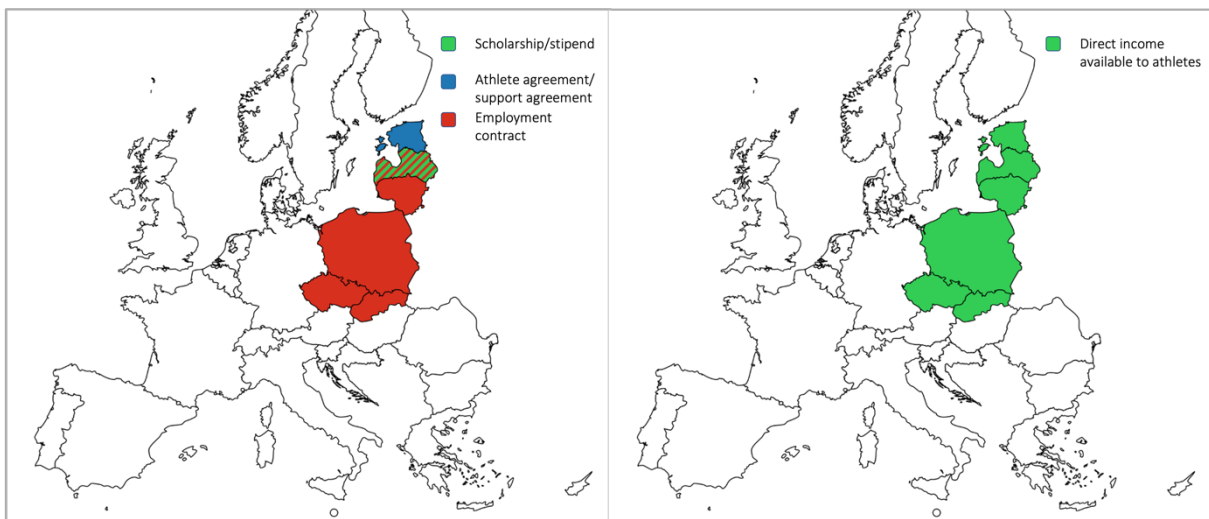





Figure 4.4: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from public authorities without a generic focus on elite sport of the Eastern European region.


 In **Estonia** the contractual relationship between athletes and public authorities or state agencies without a generic focus on elite sport usually is a form of support for the projects during the year or season, so it is essentially a standard contract. As an example, different projects might be supported from the Ministry


of Culture (sports stipend) and Cultural Endowment of Estonia. Some elite athletes used to be employed by the armed forces, but in 2020 the Estonian Defence Forces decided to finish the programme.

4.7. The Role of Specific Elite Sport Organisations

 The **Czech** National Sport Agency was established in 2019 and is now the organisation responsible for elite sport. Before that elite sport was a matter for the Ministry of Education, Youth, and Sports. The Agency is, however, not in an employment relationship with athletes.

 While no elite-sport specific organisation has been created in **Poland**, the most recognised system to support athletes is through a system of stipends, paid by the ministry responsible for Physical Culture. The exact rules on who may apply for a stipend and how are detailed in the Act on Sport. The ministry responsible for Physical Culture pays a monthly stipend to high performing athletes in international competitions such as the Olympic Games, World or European Championships, who are members of a national team. A stipend holder has to confirm their participation in a sport association's planned program of preparation for international competition. The stipend is available for a period of 12 to 24 months, depending on performance and the level of competition. There is also a special social stipend, meant for athletes who are members of a national team who were not able to achieve results they aimed for. Since 2022 the system of ministerial stipends has been extended. Four new programmes have been introduced: Team100 Junior (16-17 years old athletes), Team100 (18-23 years old athletes), Team100 Trainer and Team100 Minister's Stipends (for athletes in a difficult or complex situation). The new programmes are continuation of Team100 initiative. Since 2017 it aimed to support promising athletes. The programme was run by a foundation established by several publicly owned companies by the initiative of the sports minister and aimed to directly support athletes by covering their costs related to studying, renting a flat, training, supplements etc. About 250 athletes received such support annually. The stipend was fixed. The initiative was coordinated by a public Institute for Sport, similarly to the new ministerial programmes.

 In **Lithuania** the main system to support athletes is through a system of stipends, paid by a national agency. To be under contractual relationship with the MESS (Ministry of Education, Science and Sport) elite athletes must meet the predetermined criteria set out in the Sports Law (2019). MESS assigns scholarship for two or four years depending on the results of the performance. For example an athlete who achieved 1-8 place in a World Championship receives stipend for 4 years, while an athlete achieving 9 to 16 place receives a stipend for 2 years.

 The **Czech** and **Slovak** National Sport Centers, under the auspices of the Ministry of Youth, Education and Sport (Czech Republic) and the Ministry of Education, Science, Research and Sport (Slovakia) also fall

within the scope of the definition of a specific elite sport organisation. The role of these organisations has been detailed in section 4.6.

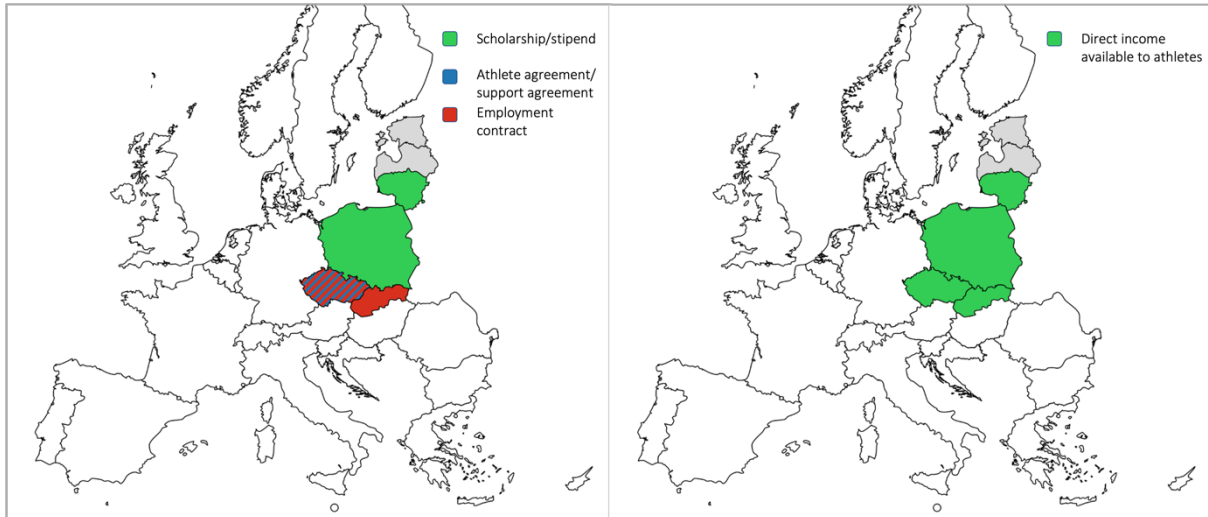


Figure 4.5: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from specific elite sport organisations of the Eastern European region.


4.8. Sponsorship, Self-Marketing and Additional Work

Offering standard / model contracts as a service which athletes might use for sponsorship deals is uncommon in Eastern European countries. None of the NOCs or public authorities offer standard model contracts that athletes can use. In two of the countries (**Estonia** and **Slovakia**) such standard contract exists in the national athletics federation.


Incentives to self-market are almost non-existent and in none of the countries do NOCs, national athletics federations or public agencies incentivise self-marketing of athletes.


On the other hand, restrictions on self-marketing and commercial opportunities stipulated through NOC regulations (in 4 out of 6 countries, except Latvia and Slovakia) and national athletics federation (in 5 out of 6 countries, except Latvia) are common. These restrictions are first and foremost according to Olympic Games regulations and sponsors of the IOC. During the Olympic Games, there should not be any personal sponsors, only those of the sponsors of the Olympic Movement itself. In addition, the athletes must agree image rights (in team kit) with the NOC for marketing purposes. Furthermore, NOC sponsors cannot be overlapped. As an example, in **Lithuania**, athletes have an IMPULS membership card and cannot advertise another sports club because IMPULS is a sponsor of the LNOC. In **Latvia**, while there are currently no restrictions on self-marketing from the NOC, these will be introduced from 2022.

Similar rules apply in reference to national athletics federations, for example in the case of signature sport wear. For example, in **Lithuania** an athlete, A. Palšytė, has signed a contract with NIKE, but when


 she represents the country, she should wear the 4F gear of the federation sponsor. In **Czech Republic** the athletes have to wear a kit and tracksuit from a federation sponsor while representing the country.

On the other hand, no restrictions regarding self-marketing and commercial opportunities apply in any country directly through regulations of public agencies (other than in an Act on Sport) or specific national elite sport bodies.


 The cases of legal disputes and / or court rulings specifying the relationship between Olympic athletes and sponsors were acknowledged only in **Lithuania**. The latest case between the company (a sponsor of the athlete) and an athlete was regarding the athlete's right to the sponsorship even though the athlete failed to reach certain goals in his career results. The court ruled that even though the athlete failed to reach certain results, the sponsor is bound by the obligation to give sponsorship under the agreement.

 Conflicts and political debates about sponsors and athletes exist in **Czech Republic**. For example, there is an ongoing discussion about athletes not being able to wear their sponsor's clothes and equipment while representing the club or country as it has a different sponsor. In general, in Eastern Europe such conflicts and debates about sponsors and athletes seem to take place behind closed doors rather than in public.

4.9. Occupational Safety and Health

 In two countries (**Lithuania** and **Poland**) specific laws or court decisions regarding health and safety provisions of athletes have been passed.

 Articles 13, 14, and 15 of the Sports Law of the Republic of **Lithuania** provide general regulations for the health and safety of athletes and sports events (*Sports Law*, 2019). It specifies that: athletes are entitled to the periodical health checks which are financed from the state budget; it also determines the safety rules for sporting events and obligations of event hosts to comply with athletes' health care measures before and during the events. The National Olympic Committee provides funding for medication necessary for prevention and rehabilitation.

 Article 29 of the **Polish** Act on Sport states that health care of athletes on a national team in Olympic, Paralympics and Deaf games should be financed by public budget (Act on Sport, 2010). Also costs of medical check-up should be covered from public budget in case of athletes younger than 23 years of age who do not receive a salary through participation in sport. According to Article 38, an athlete who is participating in a competition organised by a Polish federation and a member of a national team must have accident insurance that covers the sport in question. This is also a requirement for a sports club that is a part of a sport federation, and the requirement of a sport federation in the case of a national team member.

Throughout the region there are various models for delivering occupational safety provisions.³⁷





















































 In three (Czech Republic, Estonia, Lithuania) out of five countries (no information available on Latvia), the NOC delivers accident prevention training (e.g. information/ education on potential sources of harm/risk) and provides access to medical facilities. In **Estonia** the NOC offers medical services for all  Team Estonia athletes. The initiative started in 2020 and the main goal is the prevention and speed of help or return to training as soon as possible after injury. In **Lithuania**, the National Olympic Committee provides funding for medication necessary for prevention and rehabilitation.


Table 4.2: Occupational safety and health provisions for athletes in the Eastern European region.




| Actor / Occupational safety and health provisions | Accident insurance | Mental health | Physical health | Prevention | Safety policies | Medical check-ups | Access to medical facilities |
|---|---|---|--|--|---|---|--|
| NOC |  |  |  |    |  |  |    |
| National athletics federation (NAF) |    |  |   |   |    |    |     |
| Public authority / state agencies without generic focus on elite sport* |   | | |  |   |    |  |
| Specific elite sport organisation |   |  |  | |   |    |  |

*Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.


 National athletics federations in four of the five countries provide accident insurance (Poland, Estonia, Lithuania and Slovakia). In three countries it is responsible for the safety of facilities (Estonia, Lithuania, Slovakia) and medical check-ups (Czech Republic, Estonia, Slovakia). In four countries it also provides access to medical facilities (except in Poland).

³⁷ Data about the situation in Latvia are not yet available.



 In **Czech Republic**, **Lithuania** and **Poland** public authorities without a generic focus on elite sport cover medical check-ups.





 No specific elite sport organisation in **Czech Republic** delivers occupational safety provisions. In comparison, in **Slovakia** resort centers deliver multiple safety provisions. In **Lithuania** the funding from the MESS covers expenses for the medical services. In **Poland** the relevant ministry covers costs of medical check-ups for younger athletes.

4.10. Social Protection

General provisions on employee protection are the case when they have an employment contract with some of the organisations (usually military forces). Thus, it seems that the legal status of employment relations is required.

 However, there are some exemptions. In **Lithuania** the legal status of an athlete entitles a person to the category of taxable persons who receive social security benefits. On a general level, the same social security laws regulate every persons' status, including athletes. This a similar pattern in **Poland**, where, according to the Act on Sport, athletes who receive stipends from the Ministry responsible for Physical Culture are sport stipend holders in the social security system, meaning that stipends are counted towards their pension (Act on Sport, 2010).


 Another element is that in some countries like Lithuania or Poland there are also special provisions for retired national athletes, who are entitled to a supplementary state pension. In the case of **Poland**, to be entitled to such benefit an athlete has to have participated in Olympic or equivalent games and win at least one medal, be at least 40 years of age and have finished their sporting career. In **Lithuania** Olympic Games winners and medallists (1-3 place) and World champions (1 place) receive benefits under article 25 of the (*Sports Law*, 2019)) when they retire.


 In **Estonia** it is the NOC that coordinates Olympic medallists pension system. In **Czech Republic** the NOC does not actually provide a pension, but rather offers a form of assistance to those athletes who are in a financially difficult situation. However, one of the NOC questioned for this research claimed that the fund is not big enough to cover the needs of all the former elite athletes who used to represent the country.
































 In **Poland** there is another, more recent, public regulation. The Act on Sport stipulates that if a female member of a national team is able to perform sport due to pregnancy or giving birth, a full stipend should be paid to her throughout the whole pregnancy and half of stipend should be paid for six months after giving birth.


Table 4.3: Social protection provisions for athletes in the Eastern European region.

| Actor / Social protections | Pension / Retirement scheme | Occupational disability / Loss of income protection | Health care | Maternity protection / Parental leave benefits | Unemployment assistance |
|---|---|--|--|--|---|
| NOC |   | |    | |  |
| National athletics federation (NAF) | | |  | | |
| Public authority / state agencies without generic focus on elite sport* |    |   |     |     |    |
| Specific elite sport organisation |   |  |  |   | |

* Statutory social protection provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.


 In **Lithuania** the Constitutional Court of the Republic of Lithuanian (decision 19-12-2018) ruled that the Provisions of the Law on Sickness and Maternity Social Insurance, according to which athletes were not entitled to maternity benefits, were in conflict with the Constitution (Constitutional Court of The Republic of Lithuania, 2018). As a result, the legal provisions were changed and the plaintiff athlete received all compensation for her maternity leave.




To summarise, it seems that pension and health care are two social protection areas which are, at least for some athletes, covered by the four entities in the sport system, while in other areas – occupational disability or loss of income – provisions are not covered.

 While in half of the countries, researchers mentioned that public debates about precarious/risky social conditions of (former) athletes in Olympic sports are taking place, the topics of these debates seem to refer to the limited opportunities to make a sporting career work. As an example, in **Czech Republic** Olympic athletes have to be a part of one of the resort centers to be able to make a living from their sporting careers, yet there are not many opportunities to receive a contract.


4.11. Participation and Bargaining


In the analysed Eastern European countries collective bargaining agreements do not exist between athletes and NOCs, national athletic federations, public authorities or specific elite sport organisations.


 In all six NOCs, there is an athletes' commission. In **Poland** the commission passes opinion and consults on ideas that are relevant to athletes. Its main role is to be a spokesperson for athletes. Exact information about the activities of the Athletes' Commission in Poland is not available. The Athletes' Commission in the NOC consists of former and current athletes.




 In addition to athletes' commissions in the NOC, athletes are represented by a council of former athletes in **Czech Republic**. In **Estonia** the chief of the athletes' commission belongs to the executive board, while in **Latvia** one of the top athletes in athletics (a participant at Rio 2016 and Tokyo 2020) is included in the executive committee of the Latvian Olympic Committee. As mentioned in some countries, athletes can also be represented in various commissions of the NOC.

 In three out of the six countries (Estonia, Poland and Czech Republic) athletes' commissions/advisory councils are established in national athletic federation. In **Poland** the athletes' commission is responsible for supporting athletes in their relationships with the athletics federation, and to look after their interests and consult on their uniforms. However, the last time any activities of the commission were reported in the annual reports of the athletics association was in 2015 (Polish Athletics Association, 2016). According to that report, in 2015 no requests were made by athletes, therefore, while the commission met several times, no requests were presented to the federation's board.

 In the **Czech Republic** there is a commission of former athletes and an athletes' representative. Little information about these bodies is publicly available, but based on a deeper analysis of the Czech Athletic Federation it seems that their actions might be limited according to the national expert.

 Outside the Olympic Movement, several organisations representing athletes work in the Eastern Europe. In **Poland** these organisations are focused on particular team sports (football, basketball and ice hockey).

 Similarly, in **Czech Republic** national associations of players were established in three professional sports (football, basketball and ice hockey). In the region, the first organisations start to appear outside team sports, such as Association of Professional Riders in Poland, which was established in 2019 is a member of Cyclistes Professionnels Associés (International Riders Association). However, activities of the national

 organisation in Poland up to this point seem very limited. In **Lithuania** the National Association of Athletes exist, which aims to protect and represent elite athletes of various sports. The organisation conducts training for athletes in the areas that impact their sporting and post-sporting career and lobby for increased involvement of athletes in the national sport system. The organisation was established in 2017.

Some conflicts between athletes and the NOC or national athletics federations have been acknowledged.



In the **Czech Republic**, these are most commonly minor disagreements, such as athletes protesting against one-year contracts. In **Lithuania** there have been public debates regarding how much the NOC is involved in protection of athletes' rights, with athletes seeing the NOC as not being active enough in protection rights and being on the side of national sports federations. In addition, the same questions from time to time arise between certain sports federations and athletes or their groups. Athletes usually raise questions about their rights and why they are not being legally protected by the national sports federations and their governing bodies. It is important to note that when disputes arise between sports federations and athletes, it is the latter which usually bring disputes to court.

4.12. Specificities, Current Conflicts and Issues

According to the national experts, national sport federations are not very different from national athletic federations in terms of current conflicts and issues pertaining to athletes' employment, although in the Czech Republic and Poland the experiences of commercialised team sports players, tennis and golf athletes differ greatly.

In none of the countries are there any on-going court cases on the legal status of athletes in Olympic sports. Discussion on current conflicts and issues seem to refer to overarching issues, such as overall work opportunities, rather than specific subjects.

Public debates about precarious/risky social conditions of (former) athletes in Olympic sports refer to doping and its impact on society – for example, if a doping user should receive benefits such as an



Olympic Champion's pension (**Estonia**) – inclusion in working life, social and health insurance, maternity



leave, pension levels (**Slovakia, Czech Republic, Poland**), issues with a system of stipends based on most



recent performance (**Poland**), lack of opportunities to receive a contract with a resort center in **Czech**



Republic, and lack of support to athletes who retire.



An important actor regarding employment relationships in some of the countries, and that has not been in spotlighted in this report, is local government. As an example, in **Poland** local governments are the most significant supporter of the sports sector (GUS, 2021). Each local authority can develop its own "goals" regarding sport support, according to the Act on Sport (2010). Thus, stipends for Olympic athletes are usually available at least two levels: voivodeship (region) and gmina (community). Local authorities usually support athletes based on their performance, and there are two types of such support: stipends and awards. Furthermore, some athletes will receive additional benefits from the local authorities, such as accommodation.



In **Slovakia** in principle, an employment relationship is preferred to self-employment. When sports such as football, hockey, and basketball are not taken into account, an employment relationship with clubs is the exception. Although there was debate and pressure from the Ministry of Education, Science, Research and Sport on clubs entering into employment relations with athletes, clubs have resisted due to the high associated costs.

Literature Chapter 4

- Central Military Sport Team (2021) 'Centralny Wojskowy Zespół Sportowy rozpoczyna działalność (The Central Military Team begins its operations)'
- Central Statistical Office (2020) *Physical culture in Poland in 2019*
- Chancellery of the Sejm (1974) *Labour Code*.
- Chancellery of the Sejm (2010) *Act on Sport*.
- Constitutional Court of The Republic of Lithuania (2018) 'The provisions of the Law on Sickness and Maternity Social Insurance under which sportswomen have no right to a maternity benefit declared unconstitutional -'
- Fulton, Lionel (2013) *Worker representation in Europe. Labour Research Department and ETUI*
- Minister of National Defense (2020) 'Decyzja Nr 126/MON Ministra Obrony Narodowej z dnia 16 września 2020 r. zmieniająca decyzję w sprawie funkcjonowania sportu w Siłach Zbrojnych Rzeczypospolitej Polskiej'
- Ministry of Culture, National Heritage and Sport (2021) 'Stypendia - Ministerstwo Kultury, Dziedzictwa Narodowego i Sportu - Portal Gov.pl'
- Polish Athletics Association (2016) 'Sprawozdanie z działalności PZLA (Report on the activities of Polish Athletics Association)'
- Polish Athletics Association (2020) 'Sprawozdanie z działalności zarządu w 2019 roku (Report on activities of the Management Board in 2019)'
- Public Opinion Research Center (2013) *Membership in Trade Unions and Opinions About Their Work*
- Seimas of the Republic of Lithuania (2016) *Labor Code of the Republic of Lithuania*
- Seimas of the Republic of Lithuania (2019) *Sports Law*

5. South-Western Europe

Luiz Haas, Thiago Santos

This Regional Report (South-western Europe) focuses on France, Italy, Malta, Portugal and Spain.

5.1. Background National Sport Systems

In the National Sports System context, we were able to identify common and divergent points in the way these countries are organized. Regarding the mention of sport in the national constitution, it is noted in the countries surveyed that in **Portugal** and **Spain** have this reference in their constitutions. On the other hand, speaking about the legal framework and specific laws about sports, all five countries that are part of this report have references and legal provisions on the theme.



One of the most promising examples of the mentioned countries is the **Spanish** sport law enacted in 1990 and updated through the organic laws of 2007 and 2013 which deal, among other things, with the protection of the athlete's health and the fight against doping in sports activities, violence, racism, xenophobia and sports intolerance.



Four of the five countries referred to have National Elite Sports Organisations (public, private or intermediate). In **France** the aim of *Agence Nationale du Sport* (National Sport Agency, ANS) is to support elite sport development but also grassroots sport. As far as the support of elite sport is concerned, one can find four main areas of intervention: (1) financial and human support for the national federations, (2) financial and human support for the athletes, (3) financial support for sport venues and (4) financial and human support for data collection and research on the optimization of performance. Providing financial support to around 2700 high-performance athletes, the ANS equally promotes the creation of employment contracts between enterprises and athletes.



In **Portugal**, the *Instituto Português de Desporto e Juventude* (Sport and Youth Portuguese Institute, IPDJ) is the national agency that is also linked to the development of activities aimed at youth and is not just an agency related to sports. In addition, the main actions for the development of elite sport are concentrated in the National Federations with the support of the Portuguese National Olympic Committee.



In **Spain**, the *Asociación de Deporte Olímpicos* (*Olympic Sports Association, ADO*) emerged in 1988 as a basic initiative to support elite sport, in view of the Barcelona 1992 candidacy: its partners are two autonomous public entities *Consejo Superior de Deportes* (CSD) and *Radio Televisión Española* (RTE) and a private one, the Spanish Olympic Committee. ADO complements the direct aid granted by the Government (CSD) to the National Federations for High Performance (see section 7). Also, in Spain, there are several patronage / crowd funding actions (which is not sponsorship).


 Complementarily, in **Malta**, the *SportMalta* is an organisation that operates under the supervision of the Parliamentary Secretary for Recreation, Sports and Voluntary Organisations within the Ministry for Inclusion and Social Wellbeing and its objective is to lead the development of sport in the country. In addition, the Maltese Olympic Committee is the Malta's authority relating to the country representation at all games under the jurisdiction of the International Olympic Committee. In collaboration with SportMalta and the 44 National Associations, the Malta Olympic Committee develops initiatives towards the projection of elite sport in the country.


At the Summer Olympics organised in Tokyo in 2021 these five countries participated with a respective number of athletes: France, 393 athletes; Italy, 384 athletes; Malta, 6 athletes; Portugal, 92 athletes; and Spain, 328 athletes. At the winter Olympics in Pyeongchang in 2018 the numbers are lower in France (108 athletes), Italy (128 athletes), Malta (1 athlete), Portugal (2 athletes) and Spain (13 athletes).


Regarding the number of athletes that integrate a national elite sport programme, data were found in Portugal with 892 athletes, Spain with 4985 athletes and France with 4806 athletes. Malta and Italy do not have these data available.


5.2. Background: National Employment Relations and Welfare Regimes

In terms of employees' rights and structures for regulating labour law, when we analyse the responses given by the countries involved, we find that there is a very uniform structure resulting from the influence of the European Union. And this group is no exception as we will see.


 In **Italy**, the rights of employees are stated in the Italian Constitution (specifically in articles 35, 36, 37 and 38). These rules mention the right to be protected by a welfare and assistance system, the right to a fair salary and the right to an equal treatment between men and women. Also, the Civil Code provides specific rules for employees and for independent contractors.

 In the case of **Malta**, the employment relations are governed by Chapter 452 of Laws of Malta Employment and Industrial Relations Act. The Department for Industrial and Employment Relations is the relevant department to govern labour law.

 In the **Portuguese** case, the right to work is provided by the national constitution in its article 58, stating in its number 1 that everyone has the right to work. And it is up to the State, through the application of economic and social policy plans, to guarantee the right to work. However, in terms of specific law, the right to work is regulated by the Labour Code - Law No. 7/2009, of February 12th.

 In **France** the major legal act which shapes the fields of employment and self-employment is the French Labour Law. However, as far as sport is concerned, the major legal act which shapes the fields of employment and self-employment is the National Collective Convention of Sport. This convention




specifies employment conditions, work conditions and social guarantees for anybody who is working in the sport sector in France (apart from equestrian sports and golf which have a specific national collective convention).

 Whereas in **Spain** all these broad constitutional articles are developed through an organic law (of the highest level) called the Worker's Statute. In relation to employment and self-employment, employment for third parties is managed through an employment contract (usually in writing, although in sport there may be verbal agreements) which has several modalities. The Government announces a simplification of the hiring modalities in permanent, fixed, discontinuous and temporary/training. And self-employment has double regulations. On the one hand, fiscal, by which the individual entrepreneur must register as a professional or entrepreneur with the Tax Agency; on the other hand, labour, for which you must register in the Special Regime of the Self-Employed Worker (RETA) and pay a monthly fee as a contribution to Social Security.

In general, all countries guarantee that the maximum limits for either daily or weekly work are fixed in their labour laws, with the average of the countries being around eight hours a day. In addition to these, workers can work two more hours on an extraordinary basis which gives an average weekly limit of 40 hours.

Similar is the concept of employment contract; all of these countries provide either employment contracts on fixed terms or for an uncertain term, or even without term. The rules arise from the application of European directives that determine some standardization with regard to the protection of workers' rights.

Maternity is another protection of a social nature that is common to this group of countries. On average, parents are entitled to follow-up with their children after birth for a period of 120 to 160 days, with full wages being guaranteed. However, pregnancy risk is also a concern, and the pregnant woman may enjoy a maternity leave.

 The educational leave is not such a peaceful issue. In **Portugal** the law provides for annual compulsory training (35hrs). In addition, the Decree Law 55/2019 establishes the status of student-athlete in higher education, which aims to adopt mechanisms to support the development of dual careers for student-athletes. Some initiatives of this statute are to allow student-athletes to choose the frequency and timetable that best suits their sports activity, relief of absences that are motivated by participation in official competitions, and flexibility in formal moments of individual assessment that coincide with the competition days. In the **Italy**, the student-athlete has the right to leave for study days, and exam days are duly justified.   Already in **Malta** the Ministry of Education is the organisation responsible for indicating initiatives in this regard. As seen, even though this theme seems to be a concern of the countries analysed, there are different approaches between them.

According to the 2012 Working Conditions Laws Report (ILO 2014), published by the International Labour Organisation, most European countries allocate between 20 and 23 days of paid annual holidays. At European level and in accordance with a European Parliament directive (Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003), 20 days of vacation is the legal minimum. This act defines such regulation that “workers have the right to have at least four weeks of paid vacation per year”. France is at the top of the list with 30 days of vacation; Portugal has defined 22 days for its workers; in Italy the number of vacation days due to employees varies depending on the applicable collective bargaining agreement, however, 20 days of annual vacation is guaranteed; Malta has defined 24 days; and Spain guarantees (21 days).

Contractual freedom and the existence of union structures are common to this group of countries. Workers and employers are free to establish among themselves the type of contracts that they see fit to best satisfy them. With contractual freedom being evident here, they can freely fix the clauses of their contracts, working hours, and salaries, as long as they do not conflict with this as provided for in their respective labour laws.

The representation of workers through unions is another of the acquired rights. Generally speaking, depending on the area of activity, all countries demonstrated that they have unions representing workers, both from the public and private sectors. The most represented are public sector workers, namely teachers, or civil servant unions. In the private sector, transport or commerce workers are the most represented.

After analysing the data provided, we realize that once again, as a result of European standardization, all countries reveal that they have concerns about their workers. The existence of a public health system with free or very low-cost access is common to all countries. However, there are some differences in certain areas of work, particularly in **Spain** where sports athletes are required to take out private insurance to ensure greater coverage (see section 9 and 10 for further detail).




In the event of an accident, all countries guarantee a period of recovery without prejudice to the worker, where she/he is compensated for the loss of her/his wages. In the **Italian** case, this is supported by the Republic Presidential Decree no. 1124/65; Legislative Decree no. 38/2000; Legislative Decree no. 69/2013 or in France Public Health Code, Social Security Code and Work Code.




In this group of countries, the existence of protection for the elderly and all those who had a contributory career is also considered. There are two types of pensions, namely the old-age pension, which in the vast majority of cases applies after 66 years (in the Spanish case, in France and Italy after the age of 67). In the case of retirement, a period with effective discounts for the social protection scheme of the respective country. For example, in Italy the minimum period of discounts is 20 years, in Spain 35 years, In France and Malta, some contribution periods are considered, added to the minimum retirement age,

which is 62 years. In Portugal, the minimum age of 66.5 years of age is added to the minimum period of 15 years of discounts.

Unemployment and re-entry into the labour market is another of the social concerns of this group of countries. All of them have measures to support workers who have lost their jobs, with measures to encourage their professional reintegration. Support varies between countries, but in general require a prior period of contributions to the respective social protection schemes and age limits defined by the labour laws.

 With regard to long-term care benefits, we note that the various countries show a concern with regard to the support to be provided to the neediest, promoting low-cost social housing and financing support for the disabled. In countries such as **France** the disabled child education allowance is intended to support people who have a dependent disabled child. It is not dependent on the level of income. An additional allowance may be granted if the handicap requires high expenditure or help from a third party. The disability allowance is a personalized allowance intended to finance the needs related to the loss of independence by disabled people. It covers human assistance, material assistance (fitting of facilities in accommodation and vehicles), in addition to assistance from guide dogs.

5.3. Legal Status of Athletes in Olympic Sport

 There are no specific measures related to sport in national labour legislation in **Portugal**. Since 1998 there has been specific legislation for employment contracts for professional athletes and athletes in training in the youth categories. Although this legislation ends up meeting the specifics of football. In the last years, some legislative developments allowed some improvements in Olympic athletes' relationship with their professional lives, particularly concerning the requirement of athletes to be present in competitions without suffering any loss of remuneration since 2013 established by law no. 45/2013 of April 5th. However, due to the general understanding that athletes are volunteers, no known legal disputes result from labour issues. Olympic athletes are entitled to a grant, granted through a tripartite contract signed between the NOC, the IPDJ and the athlete, for their permanence in the sports preparation programme with a view to their presence in the Olympic Games. Olympic athletes are entitled to a grant, granted through a contract signed between the NOC and the IPDJ. The formalization of the integration process in this Programme is concluded with the signing of a contract between the NOC, the National Federation, the athlete, and the coach. The criteria for integration in the Olympic Preparation Project aim to recognize the results obtained in the primary competitions — Olympic Games, World Championships and European Championships — with a view to participation in the OGs at a level not lower than the result that conferred integration. Permanence in the Olympic Preparation Project is subject to a technical evaluation on an annual basis, depending on the criteria that gave access to integration in the Program. In this way, a common employment contract is not constituted, but rather funding aimed at

supporting the development of sports results, with tax exemption and without social benefits arising from this integration.



In **Spain**, there is also specific legislation to regulate professional athletes (Real Decreto 1006/1985, de 26 de Junio), and as in Portugal, the focus of the legislation is football athletes. However, it applies to professional athletes from other sports. According to this law, professional athletes are those who, under a relationship regularly established, voluntarily practice sport on their behalf and within the scope of organisation and management of a club or sports entity scope (except National Federations) in exchange for remuneration. The legislation regulates the contract's content, holidays, weekly rest for two consecutive days, temporary transfers, and special issues as concentrations, trips, and hours dedicated to national teams. There are no regulations concerning wages. However, working time is regulated by the act that states that press conferences and awards ceremonies are considered as part of working time. As seen, there is no employment contract between the athletes and the Spanish National Federations.



In **Italy**, there are no specific measures to regulate the sport in the national labour law. Nevertheless, the current legislation regulating sport (Law No. 91 of March 23, 1981) mentions that professional sportsmen and women are athletes who carry out sporting activities in return for payment on an ongoing basis within the framework of the disciplines regulated by the Italian Olympic Committee (CONI). Currently, athletes who practice soccer, basketball (only in the A1 category), cycling and motorcycling can be considered professionals and can legally enter into an employment contract. However, all the other athletes are qualified as amateurs and are not eligible to enter into an employment contract.

There are no contractual relationships between athletes and the NOC or the national athletics federation outside or during the period of the Olympic Games. However, athletes can enter into employment contracts with the Armed Forces or State Corps. In these cases, the relevant laws applicable to the employment of public employees specify these employment contracts (qualification, duration of the contract, termination). In addition, the salary must comply with the minimum basic salary established by the applicable collective bargaining agreement based on the employee's qualification.



In **France**, the national labour law does not provide specific measures to regulate sport. However, the National Collective Convention of Sport specifies employment conditions, work conditions, minimum wages and social guarantees for anybody working in the sports sector in France (apart from equestrian sports and golf, which have a specific national collective convention). The French Code du Sport further has an impact on the employment relations of athletes in Olympic sports in many important aspects, especially with regards to the relationship between athletes and sport organisations, occupational safety and health and social protection. The French armed forces employ some athletes bringing them into the realm of public employment law.



 In **Malta**, the national labour law does not provide a specific measure to regulate sports. Employment opportunities for athletes with any of the four actors do not exist either. Together with the Maltese Olympic Committee, SportMalta identifies potential Olympic gold medal winners who will be given a professional status. This means that these athletes may focus only on training and competition, creating the necessary ambience for the athlete to perform.

Table 5.1: Potential employment relationships of athletes in the South-western European region.

| Actor / Employment contract available |  FRA |  ITA |  MAL |  POR |  ESP |
|--|---|---|---|---|---|
| NOC | | | | | |
| National athletics federation (NAF) | | | | | |
| Public authority / state agencies without generic focus on elite sport | ✓ | ✓ | | | |
| Specific elite sport organisation | | | | | |

 There are no court cases in Portugal, France, Spain and Malta. In **Italy**, there are a few cases where the amateur athletes are considered as employees of the National Federations (Court of Pescara, October 18, 2001). These decisions were based on specific evidence that the amateur athletes were subject to the direction and the control of the manager/s of the association. Consequently, they were also entitled to receive a sort of compensation. Nevertheless, the Supreme Court and other local Courts usually exclude that an amateur athlete can be qualified as an employee if his/her federation does not consider its members as professionals (Supreme Court no. 11540/1996; Supreme Court no. 19275/2006; Court of Turin, May, 25, 2010, Supreme Court no. 16849/2011, Court of Venice, May, 27, 2014).

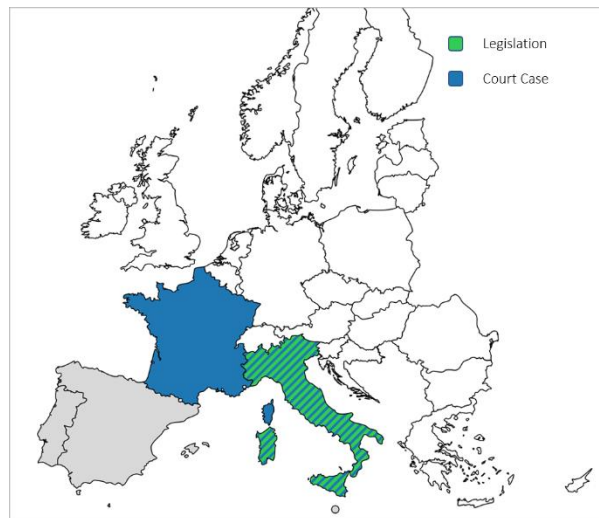


Figure 5.1: Legislation and court cases on the legal status of athletes in Olympic sports in the South-western European region.

5.4. The Role of the National Olympic Committee

In France, Malta, Italy and Spain there is no contractual relationship between athletes and the NOC, and there are no payments by the NOC regarding the preparation of athletes outside the period of the Olympic Games. In **France** there is no direct income from the NOC paid to the athletes. The expenses payments, accommodation, transportation and sport equipment (i.e., clothes) are paid in full, but only during the Olympic Games period.



In **Malta**, athletes qualified for the Olympic Games enter into a formal standard contract with the NOC where they establish a compensation plan only during the Games period. In Malta athletes are reimbursed upon proof of expenses for training, physio usage and lab usage. Athletes can have an employment outside of sport and can have their own personal sponsorship. During the Games, the NOC covers all expenses of the athletes.



In **Spain**, athletes generally do not enter into a contractual relationship with the Spanish NOC. The NOC is responsible to classify athletes in three categories: Top Elite (applied to the top places on the grid of Olympic Games, World and European championships), Elite (in this case the athletes will have to obtain intermediate results that place them in the first half of the competition grid, or in the top places of the world ranking) and Olympic Hopes (a programme for young athletes that aims to create conditions to support athletes and teams that are identified, through their sporting value, as Olympic hopes in preparation for the next Games). The Spanish NOC further supports athletes in the forms of payments of materials and equipment and all expenses during the period of the Olympic Games. Payments are made to the federations for the preparation of athletes. Lastly, in conjunction with the phone company



Telefónica, the so-called “Podium” programme for young athletes is established to support young elite athletes.



The **Italian** National Olympic Committee (CONI) usually grants special economic awards on special occasions (for example, in case of a win of a medal during the Olympic Games). Furthermore, CONI, through the National Federation, guarantees the participation of Italian athletes in international sports meetings, and it also organises international sports events. During the Olympic Games, CONI sustains all the costs for equipment, accommodation, and transportation for the athletes. CONI sustains several expenses to allow the athletes to train themselves for Olympic Games. Except for the athletes enlisted in the military sports group or the state bodies, the money received is not considered as a salary but as a one-off payment (or even as expenses reimbursement – see below). These sums are subject to a favourable tax treatment (but no social security contributions are due). Sponsorship, advertising, autonomous activities or employment relationships outside sports are possible.



In the **Portuguese** case, it is the responsibility of the NOC to contribute with fixed and variable values depending on the athlete’s level. The levels are defined according to the results obtained, and their permanence in the contract is analysed according to the results obtained. The Portuguese NOC pays a scholarship directly to athletes. The financial resources for the payment of scholarships are from a public source, arising from a contract signed between the IPDJ and the NOC. The scholarships vary according to the athlete’s level (1 or 2), with values between 1000 € and 1250 €. The access to the levels varies according to the results achieved in competitions that are used as references, for example, European and World Championships. Eligibility criteria for the scholarship program are established by the NOC considering the distinction between athletes whose objective is to achieve a medal, finalist or semi-finalist classification and/or equivalent and others whose sporting value is an indicator of eventual qualification for the Olympic Games. These contracts remain in force for the athletes selected to represent Portugal in the Olympic Games. Some of the athletes are sponsored, but this negotiation is done directly between the brand with the athlete. A preparation fund is also paid by the respective sports federation, which serves for the exclusive preparation of each athlete, including equipment, training, trips to championships. It is a monthly payment that is paid to the athlete as compensation for his/her integration in the project. It is not considered a salary, as there is no employment contract.

As none of the NOCs analysed establishes employment contracts with their athletes, there is no fixed working time.

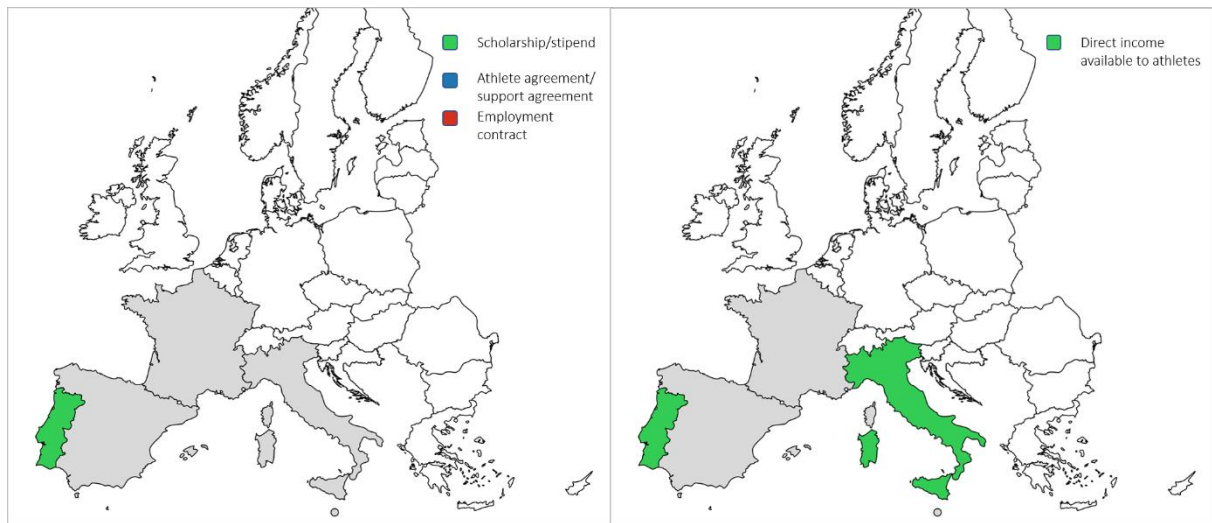








Figure 5.2: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the NOCs of the South-western European region.

5.5. The Role of the National Athletics Federation

 In Italy, France and Malta, athletes in the sport of athletics do not have a contract with their respective national athletics associations. In **Portugal** and **Spain**, during and outside the period of the sporting event  the athletes in the sport of athletics have a contract with national athletics federations, which are, however, not a labour or employment contract but a transfer of image rights and a support contract.

 In **Spain**, the NOC establishes this link with the athlete through the *Asociación de Deporte Olímpicos* (ADO). In addition, without any kind of relationship with the NOC, some clubs sign athletes. High-level athletes sign an agreement with the Real Federación Española de Atletismo, (RFEA) to receive financial support, medical, psychological and nutritional services, individualised training, housing or residence assistance training and support centres, and support during the competitions. The agreements provide that athlete may lose support in cases of severe disciplinary sanctions (i.e. doping), in cases of low sports performance, and in some cases, low academic performance. In Spain, direct and indirect incentives are given to athletes from the national athletics federation through material goods that support athletes' sporting careers, payment of expenses, equipment, accommodation, transportation, medical services, training and competition support, individualized supports for performance improvement.

 In **Italy**, **France** and **Portugal**, the athletics federations do not pay athletes directly. Yet, in **Italy**, through  the help of the Italian National Olympic Committee, the national athletics federation can sustain all the related expenses of some of its associates participating in international sports meetings. In **France** and  **Portugal**, athletes can have expenses payments, accommodation, transportation and sport equipment (i.e., clothes) for the international competitions (e.g. World Championships).

More data on the role of the athletics federation in Malta were not available. There are no contractual provisions regarding working time, rest days or parental or other leave implemented by the national athletics federation. Also, there have been no court cases regarding the working time of elite athletes.

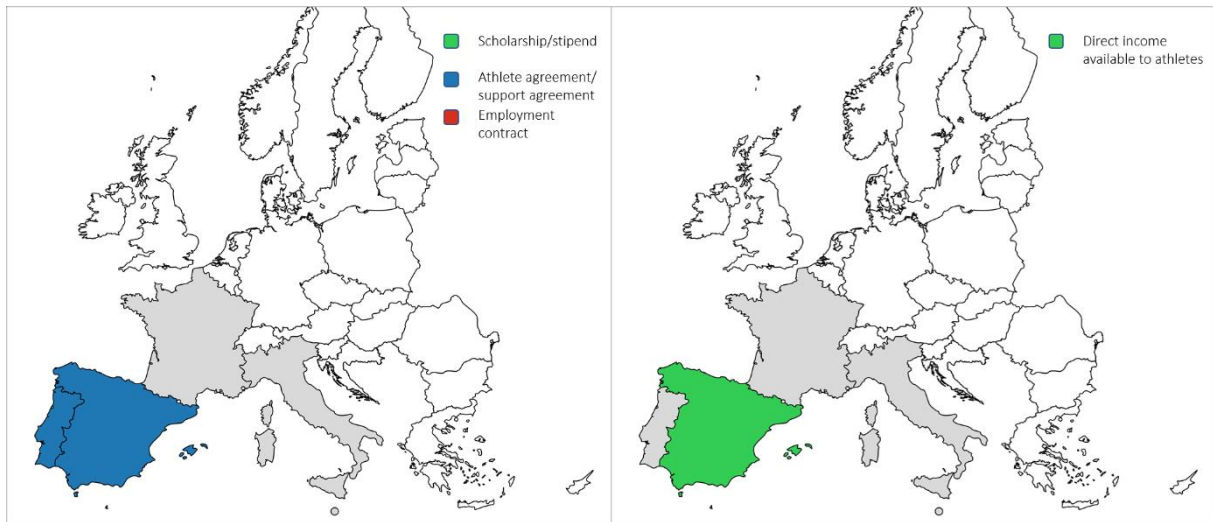


Figure 5.3: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the National Athletics Federations of the South-western European region.

5.6. The Role of Public Authorities Without a Generic Focus on Elite Sport

In **Spain**, **Portugal** and **Malta** there is no contractual relationship between athletes and public authorities / state entities without a generic focus on elite sport. The only countries of this region, where such actors play a role are **France** and **Italy**.

 In **France**, elite athletes can be employed by the Ministry of Defence as athlete soldiers. The sport federations have the opportunity to delegate athletes to the military sports center in Fontainebleau (Centre Nationale des Sports de la Défense, CNSD) where athletes live and train. Every year, 450 to 550 young athletes can join the military sports programme. While the exact details of the service remain currently unknown, athletes are provided with different career paths inside the military even after the end of their sporting career (Ministère des Armées 2021). As soldiers, athletes are entitled to a regular salary. However, this salary is only linked to their professional status / duties (e.g., as soldier). Working for the armed forces provides flexible working hours/holidays, which help them to optimise training and competitions.

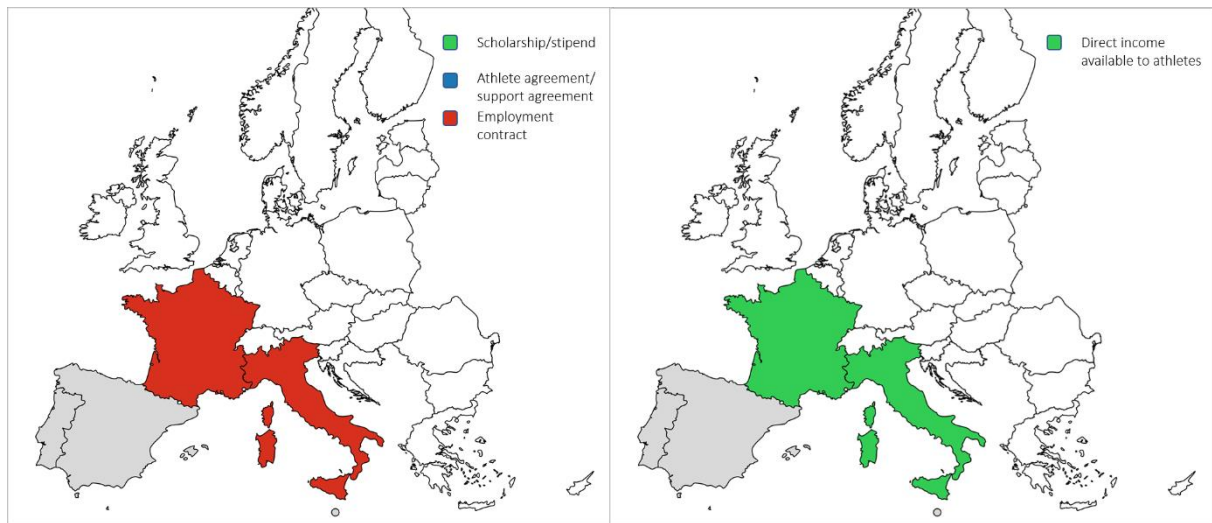





Figure 5.4: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from public authorities without a generic focus on elite sport of the South-western European region.

 In **Italy**, the Army Forces (defence, army, navy, aviation, carabinieri, finance police) and the State Corps (state police, penitentiary police and firefighters) play a role in supporting elite athletes with a contractual relationship. Commonly the Army Forces or the State Corps enlist athletes to grant them an income while involved in training and competition. For this, the candidate must be previously successful in a competitive exam reserved for athletes between 17 and 35 years old who have already achieved significant results in competitions with national relevance certified by CONI. They remain enlisted in these public organisations even after the end of their sports activity. The athlete is usually entitled to the monetary award if he/she achieves specific targets or results in their sporting activity. There are no specific rules that force the Armed Forces or the State Corps to sustain their athletes/employees with indirect income.

5.7. The Role of Specific Elite Sport Organisations

 In **France**, the National Sports Agency is an intermediary organisation (public and private). One of the functions of this organisation is to provide financial support to elite athletes. However, we did not obtain any information about the programmes and types of contracts that exist.

 In **Spain**, the Olympic Sports Association (ADO - Asociación de Deporte Olímpicos) is a public-private organisation) and promotes Spain's most important athlete funding programme outside and during the Olympic Games. The members of this organisation are the Superior Sports Council (CSD - Consejo Superior de Deportes) and Spanish Radio Television (RTE - Radio Televisión Española) (public), and the Spanish Olympic Committee (private). The ADO complements the direct aid that the Government invests in the National Federations for high-performance sport. In addition, there are sponsors (companies) that receive tax discounts and advertising on the RTE. ADO also invests in terms of grants (economic aid) for

Olympic athletes. There are 3 levels of athlete support: Top Elite (applied to the top places on the grid of Olympic Games, World and European championships), Elite (in this case the athletes will have to obtain intermediate results that place them in the first half of the competition grid, or in the top places of the world ranking) and Olympic Hopes (a programme for young athletes that aims to create conditions to support athletes and teams that are identified, through their sporting value, as Olympic hopes in preparation for the next Games). In individual sports, the scholarships are distributed in eight categories ranging from €5000 to €60.000. For example, an Olympic / World Champion athlete receives €60.000/year. Athletes in team sports can receive up to €30.000 scholarship payments. The agreement typically lasts two years and pays for a fixed and variable part that depends on the sporting results, but this is not considered an employment contract. The parties to the contract are the ADO, the sponsors, the National Federations, and the athletes. The federation processes everything. The criteria for selecting athletes is based on results in elite international competitions. Financial aid will be determined by the result achieved. There are no penalties and sanctions in case of doping. There are no defined working hours, but there is a commitment to maintaining the stipulated training and participating in training camps and competitions. There is also an obligation to participate in press conferences and award presentations. There is no representation of athletes in ADO.



In the case of **Portugal**, the Portuguese Institute of Sport and Youth (IPDJ) enters into special financial support contracts, with a multi-year period (4 years), with the Olympic Committee and the Paralympic Committee of Portugal, to create unique conditions for preparation of high-performance sports practitioners and national teams. However, the IPDJ also enters into financial support contracts with high-performance athletes, as long as the athlete is not part of the programme financed by the Olympic committees (it is not allowed to accumulate the two contracts). The athlete is paid a monthly amount to compensate for his/her integration in the project/programme (see above). However, it is not considered as a salary, as there is no employment contract. In addition to the IPDJ, another organization in the Portuguese sports system also focuses on elite sports. The Fundação do Desporto (Sport Foundation, FD) is an intermediate (public-private) organization whose mission is to promote sport at all levels. However, currently, the focus of this organization has been the management of high-performance training centres with no specific funding programs for athletes.



In the case of **Malta**, there is no direct contract between athletes and SportMalta. However, SportMalta offers a Flexi-Training Scheme (two types; private and public) whereby elite athletes who have a dual career are eligible for the same. SportMalta pays the employer of such athletes to allow their employees (the athlete) to leave work to train (range is between 1-40 hours). There are two criteria to participate in this programme: with forthcoming fully approved international sport commitments, in their capacity, at the top national level and to be great promise in their sport and with a great possibility of representing Malta in fully approved international commitments in the near future. There are 18 athletes under these schemes (8 under the private and 10 under the public).

In Malta, in addition to the payment of compensation made to the companies with which athletes have an employment contract (see above), reimbursements are also offered to athletes for the payment of travel expenses.

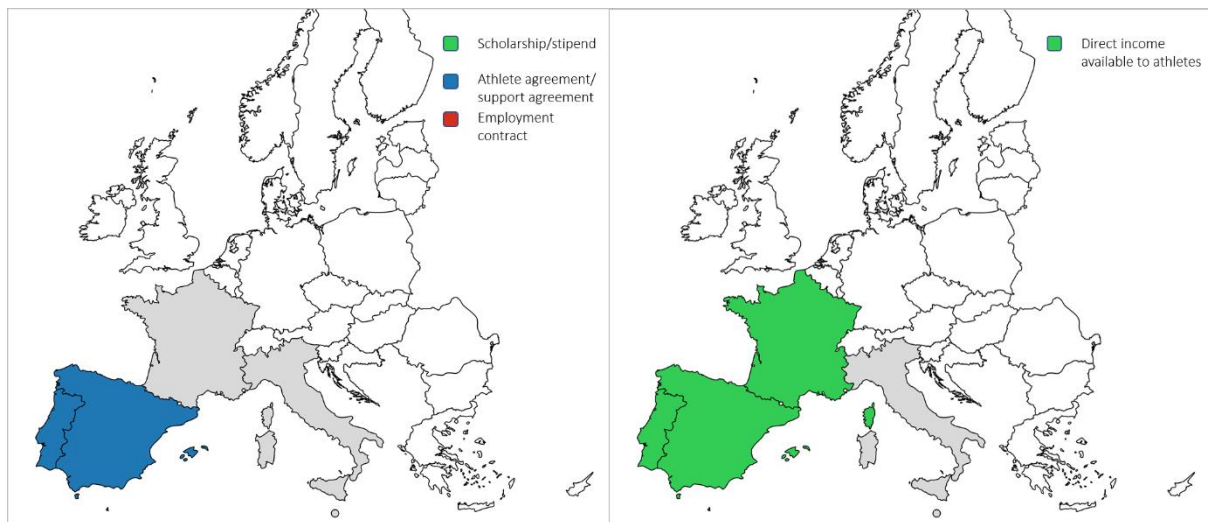


Figure 5.5: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from specific elite sport organisations of the South-western European region.

5.8. Sponsorship, Self-Marketing and Additional Work

In **Portugal, Spain, and France** none of the NOCs, public authorities and specific elite organisations have any direct sponsorship initiatives for athletes or any initiative that enhance their own image through marketing or self-marketing. Neither are there any rules or regulations that restrict sponsorship opportunities for athletes in connection with the Olympic Games, national athletics federations, public agencies or elite sport organisations. On the other hand, there are indirect incentives from the National Federations of these countries for athletes. It is only in the Portuguese and French context that Rule 40 provisions set in the Olympic Charter are made more flexible, allowing athletes to exploit their image for advertising purposes. In the Spanish, Italian and French contexts, there is no kind of flexibility regarding the principles that govern the use of the image of the participants of the Olympic Games, for advertising purposes, during the period of the Olympic Games.




In **Portugal**, as long as it does not conflict with the NOC sponsorship, the athlete can be sponsored.



Specifically in **Spain**, the national athletics federation regulates on the agent /manager relations and also on advertising in sportswear. In addition to this, there is regulation by the Federation to protect the athlete's interests and also on advertising in sportswear.





In **Malta**, about the NOC sponsorship, the only condition is that the athletes must abide by the IOC's Rule 40 during the period of the Games.


 In **Italy**, although there is no sponsorship or incentive to self-marketing, there is a set of restrictions on the parts of the NOC and public agencies as well as restrictions in relation to additional work. For example, the restrictions on self-marketing from the Comitato Olimpico Nazionale Italiano (CONI) began in 2012, drafting a Code of Conduct that prevents, among others, athletes to discriminate or release comments or opinions that may damage other persons or entities working in the sports organisation. In conclusion it is possible to state that these rules can apply indirect restrictions on self-marketing and commercial opportunities. Other restrictions are related to athletes having a public employee condition. They have to be previously authorised by the employer before performing the self-marketing. This is because there are specific rules to manage the payment of possible earnings connected with these activities. For those athletes enlisted in the Armed Forces or the State Corps, due to their special qualification (being public employees), they are not allowed to have any additional work notwithstanding if it is paid or for free (please refer to Legislative Decree no. 66/2010, section 894).

5.9. Occupational Safety and Health

With regard to the health and protection of athletes, the frameworks differ from country to country. However, the concerns we find are general and applicable to any athlete, with no special and specific concern regarding Olympic athletes. **All countries** revealed concerns at the level of sports facilities, namely access to a clean and safe environment, and almost all of them had an obligation to take out sports insurance except for France and Italy.

 In **Portugal**, according to Law n^o. 10/2009, of January 12th, sports insurance is mandatory for sports agents, namely athletes, coaches and referees. There are two types of insurance that are complementary a) sports insurance supplemented by health and personal accident insurance, as in the case of professional practitioners b) sports insurance supplemented by occupational accident insurance. The only specific protection that the athlete has is this one. As she/he does not have any employment contract, she/he is not covered by the social protection schemes applied to other workers.

 In the case of **France**, the situation is very general. There is an obligation to rest at least 11 hours a day between two working days and the employers should provide suitable sport venues/equipment and medical assistance. The employers should also provide suitable locker-rooms, showers and toilets, and the employers should inform the employees about the security rules. These guidelines generally apply to all workers via the European regulations on health and safety at work. In France, the employers should also raise awareness about occupational hazards, psychological issues and doping prevention. This regulation specifies some requirements in terms of health and safety, for instance, at least 11 hours of rest between two working days, the employers should provide suitable sport venues/equipment and medical assistance, the employers should provide suitable locker-rooms, showers and toilets.

 In the **Italian** case, currently, the Consolidated Act for Safety at the Workplace (Legislative Decree 81/2008) does not apply to athletes. The general national law that applies to the health and safety is the law related to the safety of sports facilities and to general undertaking upon the association that is entitled to use the sports facilities, requiring a professional insurance policy to cover any damage any person inside these facilities may incur in. In addition, when the Legislative Decree no. 36/2021 shall be in force, finally the Consolidated Act for Safety at the Workplace shall apply even to all the athletes notwithstanding if they are professionals or amateurs. It has a specific medical department for early diagnosis and prevention for athletes. In addition, during the Olympic Games CONI may provide for insurance coverage autonomously.






































 In **Malta**, there is no specific law or court decisions for athletes. The Occupational and Healthy and Safety Authority would be responsible via the Occupational Health and Safety Authority Act (Chapter 424 Laws of Malta). The NOC is responsible for health and safety obligations only during the Olympic Games. The provision of social protection applies to Olympic athletes under private agreements.

Table 5.2: Occupational safety and health provisions for athletes in the South-western European region.


| Actor / Occupational safety and health provisions | Accident insurance | Mental health | Physical health | Prevention | Safety policies | Medical check-ups | Access to medical facilities |
|---|---|---|--|--|--|---|---|
| NOC |  | |  |  | |   |   |
| National athletics federation (NAF) |  |    |  |   |  |    |    |
| Public authority / state agencies without generic focus on elite sport* | |   |   |   |   |   |   |
| Specific elite sport organisation | | | | | |  |  |


*Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.


In **Spain**, it is mandatory for sport federations to provide accident insurance for athletes. In addition, the national athletics federation provides several measures of occupational safety and health.


 Mental health is a subject that has not been addressed systematically in any of the countries. It is a topic that is barely discussed.

5.10. Social Protection

 The issue of social protection for athletes and the concerns that it involves have been discussed to a lower extent in these five countries, though evidence of concern can be found in three countries. In the **Italian, Spanish** and **French** case, there is an obligation to make athletes' contributions for common social security schemes when they are professional and framed in professional leagues (as if they were a worker in any field other than sport).

 In **France**, all athletes who are employed by the French armed forces are granted with all of the investigated social protections.

 The **Italian** Social Security Authority provides all of the listed social protections upon condition that the individual has been qualified as employee or independent contractor and social security contributions have been paid in his/her favour. Athletes who have an employment contract with the Italian armed forces and / or the state corps are thus provided with the surveyed social protections. Besides, other athletes have to be included as independent contractors or ongoing collaborators of the sports club. In this way, the club has to pay social security contribution favouring a specific section of the Italian Social Security Authority or, in some specific cases, related to the division of the Social Security Authority dedicated to the workers of show business and sport. These practices are not standard since the money paid to athletes can be treated, under a tax point of view, as different incomes from incomes deriving from the working activity. This allows a tax favourable treatment but prevents the payment of any social security contributions. In Italy, a lot of experts stigmatised the lack of any social protection for sports amateurs. This is why they welcomed the new Legislative Decree no. 36/2021 that will come into force in 2022. On the other side, a lot of associations/sports clubs are worried about the circumstance that the prospective law shall oblige them to bear more costs and they do not know if they will receive any help from the state or CONI.

 Concerning the social protection applicable to Olympic athletes in **Spain**, there is a difference between athletes who are under professional contracts and high-level athletes without professional contracts. In the first case, the contracts ensure the athlete's inclusion in the social security system. In the second case, there is a particular condition for the inclusion of athletes in the autonomous contribution system, recognition by the Contribution Regime of Self-Employed Workers. In Spain, the Spanish Olympic Committee has made efforts to include in the new sports law the creation of an "Athlete's Statute" that

includes their rights and duties. However, to date, no text that supports such intentions has been published and evidence has only been found in news and conferences. A special agreement to cover high-performance athletes by the same regime as self-employed workers exists only in the Spanish case. Since athletes are considered workers, the government grants them general rights as if they were a common worker from any other sector of activity, such as the right to retire at 65, or the access to medical treatment, in this case in high-performance training centres. In addition, through the Professional Athletes (Real Decreto 1006/1985), which would apply to those who may have a contract with a club (two days of weekly rest and 16 weeks paternity/maternity leave).


















 In the case of **Malta**, the only support given is occupational disability and health care provided by the NOC. However, these are services provided by previously taking out private insurance, while unemployment support is subject to the general state social protection regime.


Table 5.3: Social protection provisions for athletes in the South-western European region.

| Actor / Social protections | Pension / Retirement scheme | Occupational disability / Loss of income protection | Health care | Maternity protection / Parental leave benefits | Unemployment assistance |
|---|--|--|--|--|--|
| NOC | |   |   |  | |
| National athletics federation (NAF) | | | | | |
| Public authority / state agencies without generic focus on elite sport* |   |   |   |   |   |
| Specific elite sport organisation | | | | | |

* Statutory social protection provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.

 Furthermore, in **Portugal**, in case of injury or illness of an athlete, evidenced by a medical report in accordance with the National Federation, the athlete is guaranteed the maintenance of his scholarship for the period defined for his recovery, as well as the criteria regulated by medical confidentiality, being admissible to co-participation of the costs demonstrably evidenced with the athlete's recovery. All co-payments are suspended in all cases of injury or illness that prevent participation in the OGs. Social insurances not used by many athletes since they are limited to one source of income. Complementarily,


the athlete for his own motivation may also propose, through the federation, the suspension of his integration in the Olympic Preparation Program. In addition, a post-career support that is given by the Law no. 272/2009 of 1 October is available, defining (Article 39) post-career support measures for high-performance practitioners, including the right to a Temporary Reintegration Grant after the sports career.


 Besides the above-cited specificities in Italy and Spain, **all countries** in general have concerns about maternity and pregnancy. In **Portugal**, in case of pregnancy, which demonstrably interrupts the sports and competitive programming undertaken by the NOC, and the participation in the OGs, the respective National Federation must propose the suspension of the athlete.

There are no legal disputes on social protections, at least as far as public knowledge is available.




5.11. Participation and Bargaining

All countries (i.e., France, Italy, Malta, Portugal and Spain) have an athletes' commission in the respective Nationals Olympic Committees.


 In **Italy**, the CONI provides a national athletes' commission composed by one member of each federal commission and three members chosen from the representatives of the associated disciplines. In addition, the collective bargaining agreements for public sectors apply and the main topics regulated by them are: (i) economic issues (for example, salary, etc.); (ii) special allowance for particular and dangerous tasks assigned; (iii) criteria for the management of the incentive part of the salary.


 In **Malta**, the athletes are represented via a Commission responsible for running the MOC Elite Scheme with relationships to the Maltese Olympic Committee.

 In **Portugal**, the Olympic Athletes Commission (CAO), an entity integrated in the Olympic Committee of Portugal (COP), is made up of athletes participating in the Olympic Games, active or retired, who have participated in the last three editions of the Olympic Games. Consisting of nine Olympic athletes, elected by their peers, the CAO is responsible for representing the rights and interests of athletes before the Olympic Committee of Portugal and other entities of the national and international sports system. In the case of Portugal, the chairman of the athletes' commission furthermore takes part in the board of the NOC and participates in decision-making (in others she/he only has a vote at general meetings).

 In **Italy**, **France** and **Spain**, athletes are furthermore represented in the national athletics federation  through an athletes' commission. Specifically, in **Spain** these athletes are represented by the Federal  athletes' commission which is composed of seven athletes.


In **Italy, France, Malta, Spain** and **Portugal**, there are no collective bargaining agreements between the national athletics federation and athletes. There is no mention of actions made by state/public entities regarding representation and bargaining in the five countries. Even so, it is important to note that in

 **France** any union can be freely constituted. The only requirement is to register the statutes and provide the names of the board members. There is no need to have prior approval from any public authority. Based on this legal framework, the National Union of Elite Athletes (L'Union Nationale des Sportifs de Haute Niveau) represents the interests of its members, who are elite athletes from individual sports.

 In **Portugal**, the Portuguese Olympic Athletes Association exists as an independent organisation, representing the interests of elite athletes. This organisation, while not a union, plays a role in the support of athletes and provides athletes with a voice.


5.12. Specificities, Current Conflicts and Issues


In **Portugal, Spain** and **Malta**, the football federation has specific characteristics concerning the employment relations of athletes.

 A particular case in **Portugal** refers to the role of clubs in the support of Olympic athletes in the country. The development of clubs' own programs to support athletes allows athletes to participate in various sports and at a varied level of national and international competitions. Even so, there is a level of concentration of these athletes in the so-called "Big Three of Portugal" (Futebol Clube do Porto, Sport Lisboa e Benfica and Sporting Clube de Portugal) clubs with larger sports structures and with greater financial capacity to maintain these athletes. For example, the last **Portuguese** Olympic delegation to Tokyo 2020 had a total of 92 athletes, just over 47% linked to one of these three clubs (O Jogo, 2019). This scenario demonstrates a certain fragility in the Portuguese sports system, since, due to several factors already discussed in this report, it does not materialize athletes' protection in their career.

None of the countries surveyed had public debates about conflicts between athletes (individually or collectively) and the NOC, the national athletics federation, any public authority / state agency or specific elite national sport organisations that have emerged in the last five years.

Portugal, France and Malta do not have either public debate about precarious/risky social conditions of (former) athletes in Olympic sports.

 In the case of **Spain**, the Spanish Olympic Committee wishes to include in the new sports law a "Statute of the Athlete" that includes their rights and duties. Meanwhile, there is no draft of the text.

 As mentioned above, in **Italy**, a new legislative decree (Legislative Decree no. 36 of February 28, 2021) regulates the "reorganisation and reform of the provisions regarding professional and amateur sports bodies and sports work". It overcomes the distinction between professional and amateur athletes, thus

applying the new figure of sports employee applicable to all kinds of athletes, notwithstanding which discipline they practise. Consequently, clubs that currently do not form employment relationships with Olympic sports athletes will have to change their organisation. Based on this new legislation, some of their athletes may be qualified as permanent employees or collaborators, depending on the form of exercise of their activities and the type of control that the managers of sports clubs exert over them. As a result, sporting associations or clubs are obliged to sign an employment contract or, at least, a permanent collaboration contract.

Literature Chapter 5

Ghosheh, N. (2013) *Working conditions laws report 2012: A global review*.

ILO (2014) *Working conditions laws report 2012: a global review* (Geneva: International Labour Office)

Ministère des Armées (2021) 'Armée de Champions Mission Tokyo', <Min<https://www.milsport.one/medias/fdvprfiles.php?d=ZmljaGlcnM=&f=ZG9zc2llcl9kZV9wcmVzc2VfbF9hc m1lZV9kZV9jaGFtcGlbnNfZW5fbWlzc2lubl9hX3Rva3lvLnBkZg==&s=096631e8c6d404387a623bdd47c105c3>>, accessed 12 November 2021

O Jogo (2019). Missão portuguesa em Tóquio'2020: Sporting e Benfica empatam em atletas. Retrieved from: <https://www.ojogo.pt/modalidades/toquio-2020/noticias/missao-portuguesa-em-toquio2020-sporting-e-benfica-empatam-em-atletas-13966850.html>

Programa de Preparação Olímpica Tóquio 2020 e Paris 2024 (2018). Diário da República, 2.a série—N.o 18—25 de janeiro de 2018. Retrieved from: <https://conpaas.einzeln.net/services/mediaservice/api/media/1d875c524fb2d606938b4f4f8cb0212b4ab78035>

6. South-Eastern Europe

Vanja Smokvina

This Regional Report (South-Eastern Europe) focuses on Bulgaria, Croatia, Cyprus, Greece, Romania and Slovenia.

6.1. Background: National Sport Systems

In the National Sports Systems of these six countries we find a lot of common solutions but also numerous differences which will be elaborate in this paper.



Speaking about the legal framework and central sports organisation we must say that in all the countries **except in Cyprus and Slovenia** there are specific sports-related provisions in the relevant national Constitutions. When to Sports Act we may say that all countries have a specific Act which deals with sport at national level. Sport does not have the exclusivity of its own ministry and is combined with others, such as: **Bulgaria** (with Youth), **Croatia** (with Tourism); **Cyprus** (with Education, Culture and Youth); **Greece** (with Culture); **Romania** (with Youth) and **Slovenia** (with Education and Science). **Except in Cyprus**, all other countries more or less have also the competences of local and/or regional authorities in the field of sport which is an extremely important way how sport is organised and supported.



Passing now to the core organisations of the Olympic Movement in the relevant countries we may say that **all countries** have their respective National Olympic Committees which of course are in charge of developing the Olympic Movement in accordance with the Olympic Charter, the popularization of the Olympic ideals in the country, and athletes' participation in Olympic Games, to represent state and the respective sports organizations before the IOC on matters related to the organization and conduct of Olympic Games. Here we must only point that in **Romania** the umbrella institution is called "Romanian Olympic and Sports Committee".



In **Greece** we find the existence of a National Elite Sports Organisation: the General Secretariat of Sports (G.S.S.). It is a body of the Greek state, which reports to the Deputy Ministry of Sports, which in turn is attached to the Ministry of Culture and Sports. It is the principal executive body that administrates sports and the sports policy of Greece.



In **Cyprus**, the Cyprus Sport Organization is a semi-governmental organisation funded by the state to promote mass and elite sport. While not solely focusing on elite sport, it does play a role in supporting athletes through an award scheme.



Furthermore, in these countries we find public authorities/entities or state agencies without a generic/original focus on elite sport that play a role in the support of elite athletes and those are mostly ministries of defence or interior: **Bulgaria** (Ministry of Interior and National Service for Protection),



Croatia (Ministry of Defence) and **Slovenia** (Ministry of Interior, Ministry of Finance (Customs) and



Ministry of Defence). In **Greece**, distinguished athletes are offered a lifetime employment at the armed



forces. **Romania** is interesting since there we find that the ministries are supporting sports clubs: the

Ministry of Defence supports the Army Sports Club “Steaua” Bucharest, the Ministry of Interior supports the Sport Club “Dinamo”, and the Ministry of Transport and Infrastructure supports the Sport Club “Rapid”.



Speaking about any additional actors (private, public, intermediary (cooperation of private and public actors)) involved in the elite sport system we must point out that in **Slovenia** there is the Slovenian sports foundation as a special public institution founded by the Slovenian parliament and responsible for delivering lottery money to sports subjects in Slovenia for different purposes and not only for the elite



sport. Furthermore, in **Romania** we find a National Institute for Sport Medicine.

When to relationships between public authorities and organised sport in Olympic sports we must say that **in all countries** sports organisations (sports federations and sports clubs) shall provide assistance for the fulfilment of the state and municipal policy in the system of sport. In this context, the relationship between public authorities and organized sport in Olympic sports must be based on the principle of cooperation. Moreover, the sports federations, including those running Olympic sports, are exercising certain public powers in the field of their respective sports, which have been granted to them by the state. Such public powers can be transferred from the state to sports federations after fulfilment of



certain conditions precedent specified in decisions of the constitutional court (in **Bulgaria**) or determined by the national legislation (in **Croatia**). In **Bulgaria** for example, one of those public powers is the retention of the control from the State, which takes two forms: preventive control through the issuance of sports license by the Minister of Youth and Sport after meeting certain requirements and subsequent control by the supervision carried out by the Minister of Youth and Sport. From this perspective, the relationship between state authorities and organized sport in Olympic sport resembles those of between principal and agent. The state as principal is entitled to withdraw the license of a sport federation in case of admission by such federation of certain failures, discrepancies and violations enumerated in the Law on Sport. Furthermore, we find also the principle of the complementarity which is prevailing as the elite sport is one of the national interests in **Croatia** and **Slovenia** recognised by the National Sports Programme.




At the summer Olympics organised in Tokyo in 2021, these six countries participated with a respective number of athletes: **Bulgaria** (42 athletes), **Croatia** (59 athletes), **Cyprus** (15 athletes), **Greece** (80 athletes), **Romania** (102 athletes) and **Slovenia** (53 athletes). At the winter Olympics in Pyeongchang in 2018 the numbers are lower in **Bulgaria** (21 athletes), **Croatia** (20 athletes), **Cyprus** (2 athletes), **Greece** (4 athletes), **Romania** (27 athletes), **except in Slovenia** (71 athletes).


Finally, speaking about the numbers on how many athletes are part of a national elite sport programme or elite cadre system we must say that those numbers vary significantly from country to country. From **Slovenia** with a vast group of different categorisations with in total 4.355 athletes, **Croatia** with 445


athletes, **Greece** with 200-250 athletes, and **Romania** with 220 athletes, while there are no such data available for **Bulgaria** and **Cyprus**.

6.2. Background: National Employment Relations and Welfare Regimes

National employment law (collective and individual) and industrial relations have or should have major impact upon the relationships in sport especially for the legal status of athletes. Although, not all countries recognise the well-deserved labour status to athletes in this paragraph we will focus on the national employment regulations regimes in these six countries.

 Speaking about the general constitutional framework on labour law and the major legal acts that shape the fields of employment and self-employment in **Bulgaria**, the Constitution proclaims that labour shall be guaranteed and protected by law. Citizens shall have the right to work and the state shall take care to provide conditions for the exercising of this right. Everyone shall be free to choose an occupation and place of work and no one shall be compelled to do forced labour. Workers and employees shall be entitled to healthy and non-hazardous working conditions, to guaranteed minimum pay and remuneration for the actual work performed, and to rest and leave, in accordance with conditions and procedures established by law. Workers and employees shall be free to form trade union organizations and alliances in defence of their interests related to work and social security. Employers shall be similarly free to associate in defence of their economic interests. The major legal acts in the field of employment in Bulgaria are the Labour Code, the Law on the Healthy and Safe Conditions at Work. Self-employment is not regulated by special law.

 In **Cyprus**, the employment relations are regulated by ordinary contract law principles (Contract Law), supplemented by statutory rights and obligations where appropriate. For instance, the Law on the Termination of Employment was issued to ensure the protection of the rights of employees and employers. Other important laws regulating the employment relations in Cyprus are the Laws on Annual Holidays with Payment, Laws on the Protection of Maternity, Laws on Parental Leave and Permission for Reasons of Force Majeure Law of 2012 and Laws on Minimum Wages.³⁸ The competent Court for employment related disputes is the Tribunal on Labour Disputes. This court is very rarely used for labour disputes in sport because the athletes involved in Olympic Games are not employed by the NCO, their associations or their clubs.

 In **Greece** the Constitution includes provisions devoted to labour, such as the recognition of the right to work (art. 22§1), the freedom of association (art. 11), the right to strike (art. 23) and to collective bargaining (art. 22§2). Provisions regulating labour relations have, however, not yet been codified into a

³⁸ For further information, please see http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page17_gr/page17_gr

Labour Code. Articles 648 to 680 of the Greek Civil Code on 'contract of employment' are the basic provisions that govern the employment relationship between employers and employees. Principal laws (as replaced or/and amended) include legislation on the following: termination: acts 2112/1920, 3198/1955 & act 1387/83 on group dismissals; annual paid leave: act 539/1945; non-discrimination: including act 4443/2016 & act 3896/2010 on the equal treatment of men and women; health and safety at work: act 1568/1985 & act 3850/2010; flexible forms of employment (part time and rotation): act 1892/1990 art. 38.; flexible work-time arrangements: act 1892/1990 art. 41; working time: National General Collective Agreement (EGSSE) of 1984, acts 2874/2000, 3385/2005, 3863/2010 & 3846/2010, Ministerial Decision No 18310/1946 & 8900/1946.



In **Romania**, according to the Romanian Constitution, as a general framework, art. 41 (para. 1-5) Labour and social protection of labour determines the right to work shall not be restricted. Everyone has a free choice of his/her profession, trade or occupation, as well as work place. All employees have the right to measures of social protection. These concern employees' safety and health, working conditions for women and young people, the setting up of a minimum gross salary per economy, weekends, paid rest leave, work performed under difficult and special conditions, as well as other specific conditions, as stipulated by the law. The normal duration of a working day is of maximum eight hours, on the average. On equal work with men, women shall get equal wages. The right to collective labour bargaining and the binding force of collective agreements shall be guaranteed. Except the Romanian Constitution, there are other applicable laws: Labour Code from 24 January 2003 (Law nr. 53/2003, published in Official Gazette nr. 345 from 18 May 2011) and Fiscal Code from 8 September 2015 (Law nr. 227/2015, published in Official Gazette nr. 688 din 10 September 2015).





In **Slovenia** there are three basic legal acts dealing with the employment of athletes: Companies Act; Employment Relationship Act and the Law on Sport. Except for the Sports Act which focuses on the sports system, other state acts encompass some persons in sports, their relationships etc. but are not specifically addressed to sports. Sport is their subject of regulation, but like all other sectors.




In **Croatia**, we may say that in the Constitution there are various articles which do deal with labour rights, such as: forced and compulsory labour shall be forbidden (Art. 23, para 2); everyone shall be guaranteed the right to freedom of association for the purposes of the protection of common interests or the promotion of social, economic, political, national, cultural and other convictions and aims. For this purpose, anyone may freely form trade unions and other associations, join them or leave them, in accordance with law (Art. 43, para. 1). Everyone shall have the right to work and to freedom of work. Everyone shall be free to choose his/her vocation and occupation, and shall have access to each workplace and post under equal conditions (Art. 54). Each employee shall be entitled to remuneration enabling him/her to ensure a free and decent life for himself/herself and his/her family. Maximum working hours shall be regulated by law. Each employee shall be entitled to a weekly rest period and paid annual leave, and may not waive these rights. Employees may, in accordance with law, participate

in decision-making in their places of employment (Art. 55). The right to strike shall be guaranteed. The right to strike may be restricted in the armed forces, the police, state administration and public services as specified by law (Art. 60) etc. In Croatia, the basic legal acts dealing with the employment is the Labour Act. Self-employment is regulated by the Law on Civil Obligations since self-employed persons, if they conclude a contract, conclude a civil law contract.

 Speaking about the fundamental principles of the national industrial relations system (particularly individual and collective employment relationships and relationships between representatives of employers and employees -“living constitution”), in **Bulgaria**, the Labour Code determines: the role of the State to regulate the labour and the relations directly related thereto; the insurance relations and the issues of the living standard upon consultations and dialogue with the workers, employees, employers and their organizations in the spirit of cooperation, mutual concessions and respect of the interests of each of the parties. In 2020, a newly inserted provision in the Labour Code introduced for the first time the bipartite cooperation. The State shall provide incentives for such cooperation between the trade unions and the employers’ organizations with regard to the issues falling within the scope of the social dialogue. Employees are entitled with no prior permission, to freely form, by their own choice, trade union organizations, and to join and leave them on a voluntary basis, showing consideration for their statutes only. Trade union organizations represent and protect employees’ interests before government agencies and employers as regards the issues of labour and social security relations and living standards through collective bargaining, participation in the tripartite cooperation, organization of strikes and other actions, pursuant to the law. Employers have absolutely reciprocal rights to form organizations and defend their interests under the Labour Code.

 In **Cyprus** both sides, employers and employees are duly represented by a number of unions. It is a well-established principle that any amendments in the national law and practices affecting the employees in general, will first be negotiated between the representatives of the two sides, together with the government representatives. What is more, both sides are also directly involved in the resolution of employment related disputes. The national labour court is a three-member tribunal, consisting of a state appointed judge and two side judges (arbitrators). In every employment related hearing before the Labour Court, one of the side judges is always a representative of the employees and the other one is always a representative of the employers. These side judges are fully involved in the hearing and the court’s decision making since the Court’s decisions are issued by majority.

 In **Greece**, in general, the law does not require an employment contract to be drafted in writing. Salaries are determined by law, collective agreements or individual employment contracts. An interprofessional minimum wage is set by law. Collective agreements and employment contracts may provide for a higher salary. The legality of the dismissal of workers on open-ended contracts is conditional upon the written notification of a letter and on the payment of severance pay; the lack of either prerequisite renders the dismissal void. Employees with less than one year of seniority are not entitled to any severance pay. The

dismissal may be reviewed by the competent court if the employee invokes an abuse of rights. Freedom of association, the right to strike and the right to collective bargaining are guaranteed under the Constitution and the law. Employees are free to join the union of their choice or not to join any union. Greek unions participate in a single national Confederation called GSEE. Undoubtedly, many conflicts and disagreements come up from time to time but until today (in the recent years) a solution is always reached at the end of the day.



In **Romania** the Social Dialogue Law (nr. 62 din 10 May 2011 published in Official Gazette nr. 625 din 31 august 2012) is applicable to individual and collective employment relationships and relationships between representatives of employers and employees. The Labour Associations/Syndicates/Trade Unions are independent from public authorities, political parties and other stakeholders.



In **Croatia** and **Slovenia**, there is the so called Economic-Social Council in which the representatives of Government, Trade Unions and Employers' Organisations discuss about relevant issues relating to the rights and obligations of employees and employers. After the change to the socio-economic system and the first free elections, a democratic industrial relations system gradually emerged with free collective bargaining being in force nowadays.



Speaking about the key actors in the collective regulation of employment relations (trade unions, etc.) we must say that one of the main actors in the collective regulation of employment relations in **Bulgaria** is the КНСБ (abbreviation in Cyrillic stands for "Confederation of the Independent Syndicates in Bulgaria") with 35 trade unions as members plus four associate members. It unites more than 300,000 Bulgarian factory and office workers. The other major actor on the part of the employees' organizations is the trade union Podkrepa (currently called Confederation of Labour Podkrepa) which is open for membership with respect to citizens united for the protection of their professional and social interests. On the part of the employers the biggest organization is the Confederation of Employers and Industrialists in Bulgaria. In the sports sector, the National Sports Trade Union was registered with the Sofia City Court in 2005. However, currently there is no information about any activity of this organisation and it has still not been registered in the unified Commercial Registry and Registry of the Non-Profit Legal Entities with the Registration Agency of the Republic of Bulgaria. On 4 August 2014, a Collective Bargaining Agreement in football between the Bulgarian Football Union, the Professional Football League and the Association of the Bulgarian Football Players was concluded with a term of validity of two years, for which there is no information to have been extended after its expiry in 2016. Also, the validity of the CBA in football was further questionable because of not meeting the legal requirements for the conclusion of such CBA at that level.



In **Cyprus** the key actors in the employment relations are the various trade unions, employers' federations and associations and the Ministry of Labour, Welfare and Social Insurance. Trade unions in Cyprus are very powerful and can significantly influence the government's decision making. On the other

hand, there are also a number of associations and federations consisting of employers which, like the labour unions, are striving to safeguard the employers' rights and benefits.



In **Greece**, like in **Croatia**, as regards trade unions, their operation and basic rights (recognition, representativeness, right to strike) are set in a special Act. Only the most representative unions of employees are authorized to conclude collective agreements. The Greek law on collective bargaining refers to employers' organizations of wider representation, which can sign agreements in the field of their domain (Act 1876/1990). There are different categories of collective agreements. The Minister has the power to extend the application of collective agreements. In case of negotiation deadlock, a settlement procedure is provided for by Law, including conciliation, mediation and arbitration.



In **Romania** we may say that according to the Social Dialogue Law nr. 62/2011, the actors involved in the collective regulations of employment relations are Trade Unions/Labour Associations and Employers in line with art. 127 and the following




In **Slovenia**, trade union representation is guaranteed by the Constitution of the Republic of Slovenia, which stipulates in Article 76 that the organisation and work of trade unions as well as trade union membership are free. Consequently, there are no legislative restrictions regarding the right to join trade unions. There are a lot of trade unions representing different segments of economy. Although social partners describe collective bargaining in Slovenia as more cooperative than conflictual, there are sectors where there is practically no social dialogue any more. There are some issues in social dialogue (for example, increasing breaches of collective agreements by employers, increasing workers' unrest and number of strikes, and a rise in unilateral and hasty government interventions in public sector working conditions). The Trade Union for athletes also exists but the membership covers only the minority of athletes and is more active in some team sports.


6.3. Legal Status of Athletes in Olympic Sport



Regarding the legal status of athletes in Olympic sport we will start with court cases on the status of athletes in Olympic sports under national employment law, and here we must note that only in **Bulgaria** there was a case in volleyball where the main issue was whether the relationship of the parties was of employment law nature (Decision No 998 of 1 February 2016 under appeal civil case 3412 of 2015 of the Sofia City Court). The parties have concluded two contracts at the same time – one employment agreement for indefinite period and another so-called “professional contract” having as subject matter the competition rights of the volleyball player, which according to the contract belonged to the club. The court held that the contract contained all necessary elements of a labour contract. The agreed scope of the contract was not related to the fulfilment of particular result, creation of a product or performance of concrete work but included the provision of labour regardless of the fact that it concerned the exercise

of sporting activity and competition rights. The parties have agreed the organisation, where the labour would be provided. The contract specified that the agreed activity would be performed multiple times during its duration (it was not about a single performance of a certain task). The allocation of the risk was on the employer in accordance with the agreed provisions for the payment of health and social insurance for the cases of temporary and permanent disability. Also, the agreed place of the work was the club's premises and it was supposed to be performed through instruments provided by the employer. The court found that the contract contained labour law and civil law elements because the legal status of the athlete arose from a complex set of facts – a contract with a club, by virtue of which the athlete has provided his/her competition rights and right of registration.

 Speaking about cases where the national labour laws provide specific measures to regulate sport, not all countries have such a case. In **Bulgaria**, we may conclude that the general employment legislation does not specifically address sport. The Law on Sport states in its article 77, par.1 that professional athletes shall perform training and competition activity by signing a contract against consideration with a sports club. However, the Law on Sport does not specify the precise legal nature of such contract – labour or other type. Paragraph 2 of the same article contains the requirement for written form for such contract and also lists its minimum content: date of conclusion and commencement of the work; term of validity; the amount of the remuneration and the periodicity of its payment as well as the damages in case of delayed or unpaid remuneration; the rights and obligations of the parties; the conditions for the professional athletes' health and social insurance, as well as the obligatory insurance policies and medical insurance; the conditions for transfer or remise; the terms and procedure for terminating the contract; the damages due by the non-performing party to the contract; an arbitration clause. As it became clear on the basis of the case law Bulgarian courts would certainly find such contracts, when concluded in collective sports, to be labour law contracts to which the general employment law shall apply. In case of individual Olympic sports, there is likelihood that the relationship could be found to be different than employment. However, there is no such court practice existing.

 In **Romania** there are numerous laws which do provide specific measure to sport like the Law nr. 69 din 28 April 2000 of physical education and sport, Labour Code from 24 January 2003 (Law nr. 53/2003), Fiscal Code from 8 September 2015 (Law nr. 227/2015), and Governmental Decision nr. 1.447 from 28 November 2007. Despite the fact there several Law applicable, none of those law contains provisions regarding the status of the athletes in Olympic sports. In the Law nr. 69 din 28 April 2000 of physical education and sport there are provisions regarding high performance athletes (see Title II, Chapter IV – High performance sports), but there are not specific provisions regarding the legal status of athletes in Olympic sports. Basically, these provisions are applicable to all the athletes regardless they are in Olympic sports or not. Title III Chapter III of the above-mentioned law is dedicated to the Romanian Olympic Committee as a structure, but there are no other provisions regarding the legal status of athletes in Olympic sports.

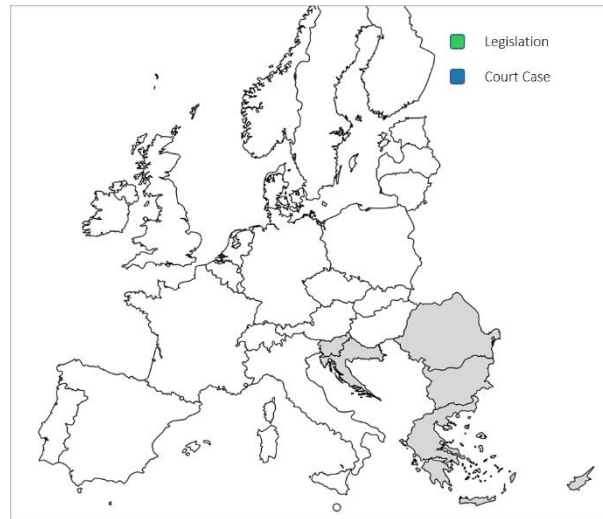






Figure 6.1: Legislation and court cases on the legal status of athletes in Olympic sports in the South-eastern European region.



In **Slovenia**, some provisions in the Law on Sport regulate certain areas differently than in the Employment Relationships Act. For instance, the Law on Sport determines: in the case of concluding an employment contract with an athlete the contracting parties may, in the employment contract, regardless of to the restrictions set by the Employment Relationships Act, otherwise regulate the rights, obligations and responsibilities arising from the employment relationship in relation to: conditions and restrictions of fixed-term contracts (maximum duration of fixed-term contract is ten years), working hours, providing breaks and rests, payment for work, disciplinary responsibility and termination of the employment contract. The regulation of the employment of the athletes employed in different ministries is stipulated by the rules which are used for employees in ministries and are specific for each ministry where athletes are employed.

Table 6.1: Potential employment relationships of athletes in the South-eastern European region.

| Actor / Employment contract available |  BUL |  CRO |  CYP |  GRE |  ROM |  SLO |
|---|--|--|--|---|--|--|
| NOC | | | | | | |
| National athletics federation (NAF) | | | | | | |
| Public authority / state agencies without generic focus on elite sport | ✓ | ✓ | | | ✓ | ✓ |
| Specific elite sport organisation | | | | | | |

An important issue is the contractual relationship of athletes. The table below shows how the situation varies across the six countries. Here we must note that although there are contracts with the NOC or NAF (respectively of each country during or outside Olympic Games), in all the six countries those are not employment contracts (see further section 4). We do find the employment contract with athletes in **Bulgaria, Croatia, Romania** and **Slovenia** with the public authorities (see further section 7).

6.4. The Role of the National Olympic Committee

Speaking about the contractual relationship of athletes and their respective NOC we must note that in



Bulgaria the NOC and the athletes participating at the Olympic Games may enter into agreements with regard to the assistance provided by the joint programs of the IOC and the NOC for Olympic Solidarity, only during the Olympic Games. The criteria that an athlete must fulfil to enter into such contract with the NOC should be specified in the particular joint program for Olympic Solidarity of the IOC and the NOC regarding the provision of such assistance. Athletes participating at Olympic Games may receive money from the NOC for their personal and independent use during the Olympic Games. All athletes participating at Olympic Games receive equal amounts based solely on the fact of participation.



In **Romania**, outside the Olympic Games there exists only contracts with elite athletes based on the Law nr. 69 din 28 April 2000 of physical education and sport, Labour Code, Fiscal Code and the Governmental Decision nr. 1.447 from 28 November 2007 regarding the approval of Financial norms regarding sport activities published in Official Gazette in Rumania. The contracts are signed between athlete and NOC and are fixed-term contracts. The fixed-term contracts are signed for one year and they could be renewed depending on the performance of an athlete. The athlete is proposed by the National Federation in order to enter into a contract with the NOC and they are included in special training programs in order to achieve the objectives. The athlete is always proposed by the National Federation based on the performance of the athlete in achieving Olympic sport goals. There are around 220 athletes in that programme and they sign sport activity contract. The training plan of a National Federation considers the calendar of the international weeks of the International Federations. The working time is detailed in the training plan, approved by the NOC or National Federations or Clubs. The training plan is made by coach, approved by the Federation and by the NOC. More precisely, the training plan could be approved by the Federations or by a Speciality Commission composed by experts in sport, trainers/coaches established by the Federation and functioning within the National Federation.



In **Slovenia**, athletes do not have a contract with the NOC outside the Olympic Games, although if they reach some good results they get some benefits from the NOC. Criteria results are different for different sports. Contracts are signed with all athletes who achieve the criteria results, which are the combination of international and national sport criteria. Contracts are signed 2 years before each Olympic Games. Currently, we are speaking about around 100 athletes. During the Olympic Games there are contracts

with athletes and the parties to the contract are the NOC, national sport federation and the athlete, as a standard form contract. Classification/status under that contract: the NOC is service provider for the Athletes and their Federation. The contract has a duration from few months before the Olympic Games till the end of the Olympic Games. Each party can terminate the contract. The general civil court is competent to solve possible disputes arising from the contract. The Slovenian NOC also pays financial awards for places 1 to 5 at the Olympic Games, 1 to 3 at World and European championships. All Olympic candidates receive a small allowance to cover personal costs. The NOC has a scholarship program for young talented athletes and a special fund for elite athletes (Olympic and World championships medallists). Scholarship program intends to support best young athletes which achieved top sport results at mayor international competitions and are regular students. Students in High schools receive €164,00 monthly and students in University programmes receive €264,00 monthly. All together in 2021 they are 189 athletes involved from 51 different sport disciplines.



In **Croatia**, if an athlete reaches some good results at the last Olympic Games they sign a contract with the NOC and its Federation. He/she gets some benefits (financial and non-financial) from the NOC and become one of the Olympic candidates until the next Olympic Games out of 3 categories: potential Olympic candidate A and B, potential olympic teams, Olympic candidate, and “Top” Olympic Candidate. There is also the “Development programme” for younger athletes with 5 categories: I, I/2, II/1, II/2 and III. The yearly financial support for the athletes in the “Development programme” varies from €5.525,00 to €1.775,00 and comprises the cover the costs of (preparation and competition, use of facilities, equipment, testing & diagnoses, vitaminisation, health protection and health check-ups, and especially travel insurance and additional health insurance for athletes categories II/1 up to the athletes who enjoy the Olympic programme. We, must also note that the status of Olympic candidate enjoy athletes who have achieved some good results at international competitions according to the NOC of Croatia Criterias for the next Olympic Games cycle. The Olympic programme and the Development programme are in reality additional programmes since Regular programmes have the scope to cover the expenses of world or european competition and preparations. At the beginning of 2021, there were 109 summer Olympic Athletes candidates and 8 winter Olympic Athletes candidates. Also, during the Olympic Games those contracts are in force. The NOC pays a scholarship to the three categories of the Olympic candidates for the whole four-year period. The value depends on the category. So, we may conclude that the NOC has a scholarship program for young talented athletes and a special fund for elite athletes (Olympic and World championships medallists). Furthermore, the athletes who won a medal are entitled to a special financial award from the State but also from some federations for their respective sport. Finally, the Ministry of Tourism and Sport covers the scholarships for public or private study programmes for athletes.



In **Cyprus** and **Greece**, there is no contractual relationship with athletes outside or during the Olympic games. Still, the **Greek** NOC offers one-off bonuses for elite athlete achievements (e.g. €10.000,00 were

announced for qualification to the Olympics in individual sports and €2.500,00 per person for team sports). The amounts may differ between given times and events, according to the economic potential of the NOC. Furthermore, athletes who achieve 1st to 3rd place in summer and winter Olympics, World and European Championships and equal or break a world record in women/men categories, are awarded with a success bonus, the amount of which is decided by a joint decision of the Minister of Finance and the Minister of Culture and Sports.

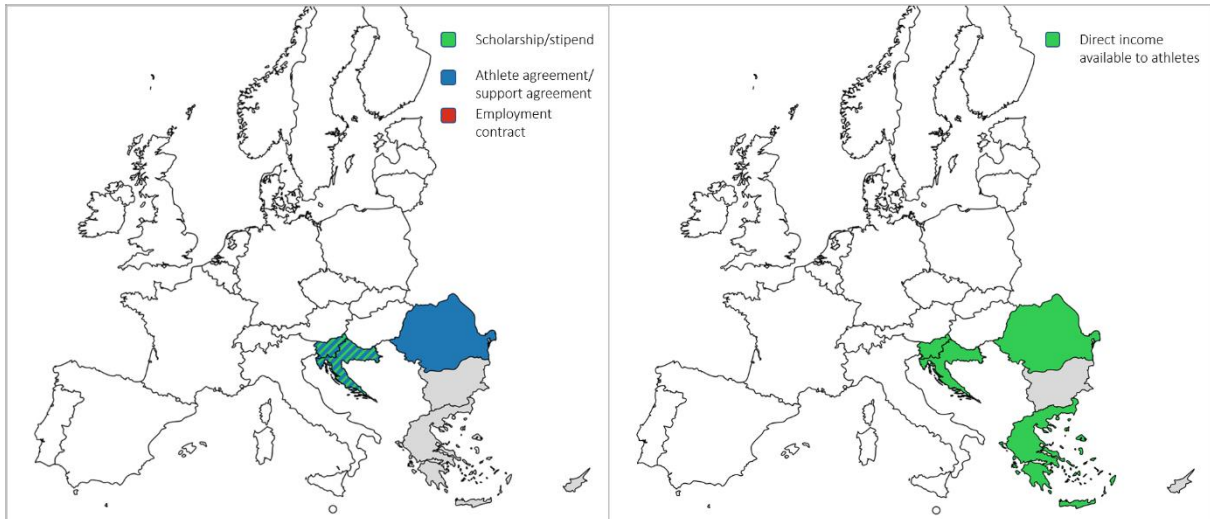


Figure 6.2: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the NOCs of the South-eastern European region.

In **all six countries**, pursuant to the NOC Regulations the NOC shall provide assistance for the transportation and the accommodation of the members of the delegations of all six countries including the athletes. In practice the NOC covers all costs for the transportation and the accommodation of the athletes during the Olympic Games including the competitions. The NOC also provides the official uniforms of the athletes for the opening ceremony, which they may retain. It does also provide sports clothing and sporting equipment to the athletes participating at the Olympic Games as far as the athletes have not received such clothing and/or equipment from the respective federation or by virtue of sponsorship agreement. In **Bulgaria**, the athletes are free to use their own clothing and sporting equipment during the competitions but they are obliged to wear the uniform provided by the NOC during the rest of the time of the Olympic Games.




6.5. The Role of the National Athletics Federation


In **Bulgaria, Romania and Slovenia** we find contracts between athletes and the National Athletics Federation (NAF) outside the Olympic period as well as during the Olympic period. **Except for Croatia and Greece**, we find that in other countries the NAF provides athletes with “direct income” or money the athletes receive for their personal and independent use.



Outside the Olympic period, in **Bulgaria**, before signing an individual agreement with an athlete, the Bulgarian Light Athletics Federation (BLAF) enters into a general contract with the Ministry of Youth and Sport (MYS) for receiving targeted funding for Olympic preparation in implementation of project to that end submitted by BLAF and approved by the MYS. Although it is project-related but in reality, the federation completes standard forms indicating the amounts they need. Then, the BLAF enters into individual agreements with the particular athletes, providing the concrete amounts and the purposes for which they must be spent – trainings, recuperation, equipment, monthly allowances and the like. The said individual agreements are valid for one year, which usually coincides with the calendar year. Regarding the conditions the athlete must fulfil we must say that the BLAF explains in the project application to the MYS the anticipated results, for example the perspectives for their athletes of winning medals or achieving good ranking at the next Olympic Games. And on the basis of the results achieved during the previous Olympic period the MYS grants the requested funding in full or partially. Then, the BLAF has the discretion to which particular athletes to provide funding in order to achieve the anticipated results based on their development and previous results. During the period of the Olympic Games or an international sporting event the same individual agreement for Olympic preparation (the contract outside the Olympic period) is signed every year for the respective calendar year and is valid also during the period of the Olympic Games or an international sporting event. Pursuant to such agreement the athlete is obliged to participate in all competitions included in the International Sports Calendar of the athletics federation for the respective year and if there are Olympic Games in that year they are included in the said calendar. Therefore, no separate other agreements are signed only for the participation in such events. The money athletes receive is a monthly allowance payable by the federation in performance of project for preparation financed by the budget of the Ministry of Youth and Sport. The source of the allowance is the budget of the Ministry and the actual payer to the athlete is the NAF. It is always project based and individual athletes cannot apply directly. An one-time allowance payment scheme also exists. Regarding the funding policy/scheme and the potential requirements an athlete must fulfil we must say that pursuant to the Law on Sport, financial support with public funds is granted on the basis of a contract with the respective sports federation, accompanied by a financial plan for the amount of the funds for the activities to be supported. Participation in sporting events and competitions in Bulgaria and abroad and training and recuperation of athletes are activities eligible for financing with public funds. The particular procedure for granting financial support is specified in a decree issued by the Minister of Youth and Sport. The project application must contain, inter alia, the anticipated results from

the realization of the project, financial plan with reasons for the amount of the requested funds and the amount of the own funding. The Minister of Youth and Sport designates commissions for evaluation of the projects. The commissions make proposals with reasons to the Minister for approval or not of each individual project and for the amount of the funds to be granted. The minister issues an order, by which it approves and finances fully or partially the proposed project or does not approve it and refuse the requested funds. As evident from the above-described procedure, the particular amounts of the allowances granted to the athletes are not fixed in advance and they are specified under each individual project.

 In **Romania**, there are contracts with the NAF only for the athletes who are part of National Centres of Excellence or from Olympic Centres. Both, National Centres of Excellence and Olympic Centres are structures without legal personality. National Centres of Excellence are established by Order of the Ministry of Sport. National Centres of Excellence are under the coordination of Ministry of Sport and are established upon a cooperation among various entities like local authorities, Ministry of Sport, Ministry of Education, National Sport Federations. Each of these legal entities contributes with a different item to the establishment of a centre. E.g., the local authority contributes with infrastructure (sport hall, stadium, etc) and payment of salaries of coaches, doctors, while the Ministry contributes with equipment and the National Federation contributes with trainers/coaches. The Olympic Centres are under the coordination of NOC, which provides all its necessary for functioning of such a centre. Various criteria exist: age, value of an athlete, if the athlete is registered to a club or is a member of national teams. The NAF, like in Bulgaria, pays to its athletes the sport allowances. The amount is fixed by the Governmental Decision which sets up the minimum and maximum standard.³⁹

 In **Slovenia**, there are contracts as four-party agreements (between Athletic Federation, club, athlete, athlete's coach). The contract consists of the following: purpose of contract, obligations of all the parties, the possibility of changed circumstances and termination of the contract and settlement of disputes. The only criteria are results from the last season and depending on the quality of the result, a different substance of the contract is concluded. There are four different levels and consequently four different amounts. In total there are 41 athletes in a contractual relationship with the NAF in Slovenia. The annual contract is signed every year, regardless of whether it is the Olympic or non-Olympic year. When participating in the Olympic Games, the Olympic candidates have contracts with the NOC like in other countries. The substance of the contracts signed with the NAF is very specific depending on different categories of athletes. Money is paid as monthly allowance. Under the contracts Slovenian Athletic Federation is obliged to pay monthly allowance to the athletes in 4 different categories. In top category (5 athletes) athletes receive €917,00 monthly, in Top B selection (7 athletes) athletes receive €500,00,

³⁹ *Governmental Decision nr. 1.447 from 28 November 2007 the approval of Financial norms regarding sport activities published in Official Gazette nr. 823 din 3 December 2007*

in International selection (15 athletes) athletes receive €167,00 monthly and in Top youth selection (14 athletes) athletes receive €104,00 monthly



The Amateur Athletic Association (AAA) in **Cyprus** does not have the financial capacity to actively and effectively financially assist athletes since its funding mostly comes from the CSO. Nevertheless, the AAA have in place an annual plan to motivate athletes. This plan is based on a point system where athletes, both male and female, are awarded points depending on the competition and their achievement. The first 30 athletes receive financial assistance ranging from €27.000 for the 1st place to €3.000 for the 30th place. In total, these 30 athletes receive a total amount of €258.000. Apart from these 30 athletes, in case an athlete who is not included in the top 30 of the plan achieves one the first place of a track sport in the National Competitions, he/she is also entitled to financial assistance, the amount of which is in the discretion of the AAA.

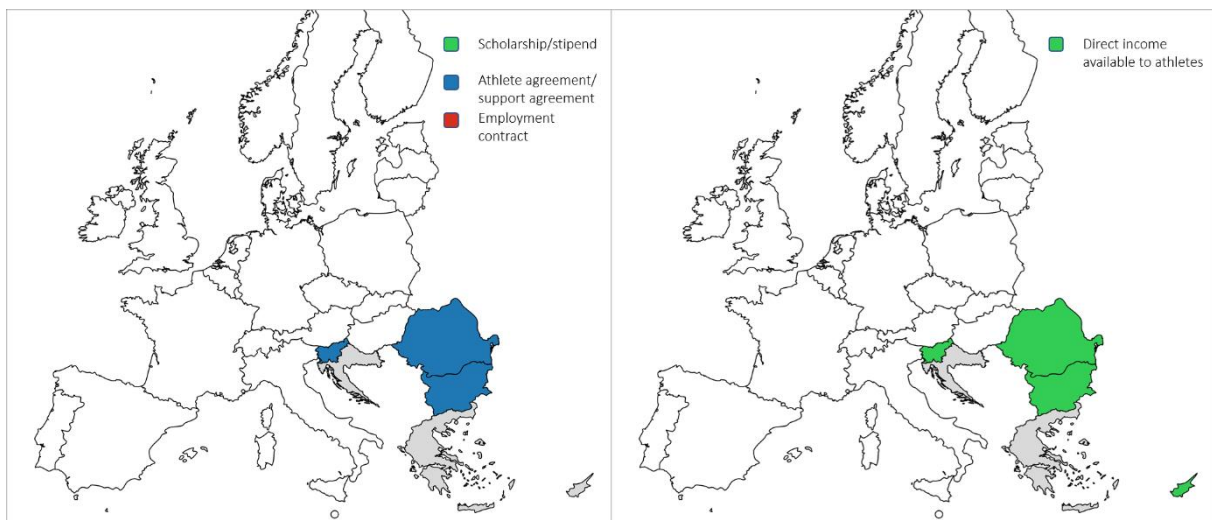


Figure 6.3: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from the National Athletics Federations of the South-eastern European region.

When to additional funding (“indirect income”) and other benefits (material goods) that support the sporting career of athletes (e.g., expenses payments, equipment, accommodation, transportation), we must note that **in all countries** we see that athletes enjoy almost the same rights. We may say that there is no country which differs significantly and that **in all countries**, athletes enjoy the right to sports equipment, travel costs, and accommodation costs being covered during competitions, as well as their coaches’ costs and costs of vitamin supply etc. being paid. To conclude, we must also say that there are no policies, regulations or contract provisions which restrict the athlete from pursuing additional work **in all six countries**.

6.6. The Role of Public Authorities Without a Generic Focus on Elite Sport

Regarding the contractual relationship between athletes and public authorities/entities or state agencies we may generally conclude that those public authorities/entities are mostly ministries of interior, defence or some other ministry which could employ the athletes.



In **Bulgaria**, elite athletes in sports such as shooting, boxing, wrestling, light athletics, and swimming have employment as state officers with the Ministry of Interior under standard employment agreements. The particular content of the contracts is not available. One famous Bulgarian professional athlete was recently promoted to lieutenant from the reserve of the armed forces.



In **Croatia**, athletes in individual sports (currently 50 athletes) and the Ministry of Defence conclude a contract based on an Agreement on cooperation and development between the Ministry and the NOC of Croatia. The list of athletes is being updated every year according to results but the complete update is done after the Olympic games. The contract is based on the status of civil servants but is a status of reserves in the armed forces. Athletes receive salaries under the labour contracts which they sign with the respective ministry. Athletes employed by the Ministry have formal obligations to fulfil their sport programmes of preparations and competitions. Furthermore, they have obligations to be in the contact and report to their employers, to wear clothes with logos and also attend some happenings organised by ministries.

The governments also pay for achievements (medals) at the World and European championships. Expense payments, equipment and accommodation and transportation for training and the participation in competitions is covered by the ministry. Furthermore, the state is financing national sport federations and the local authorities are also financing sport clubs so that athletes indirectly have benefits for their preparation programme.



In **Romania**, athletes enter into a contractual relationship with the Ministry of Defence, Ministry of Interior and Ministry of Transport. Athletes have the right to allowances and bonuses for national and international championships and bonuses for fulfilling the objective according to the Sport Activity Contract. In addition, athletes receive expenses payment, equipment, accommodation and transportation for training for participation at national championships.



In **Slovenia**, an athlete and a certain ministry - Ministry of Interior (Police), Ministry of Finance (Customs) and Ministry of Defence - conclude a contract based on labour law for a limited time (1 or 2 years). An athlete has to be recognised by the criteria as a »elite athlete« or as an Olympic candidate. He must also be chosen by the State's employment coordination commission since the quota is limited. The income athletes receive is a regular salary under a labour contract. Athletes are also eligible to receive medal bonuses. The state, again, also plays a role in financing NSFs and sport clubs. Similar obligations as in Croatia exist for athletes employed by public authorities in Slovenia.

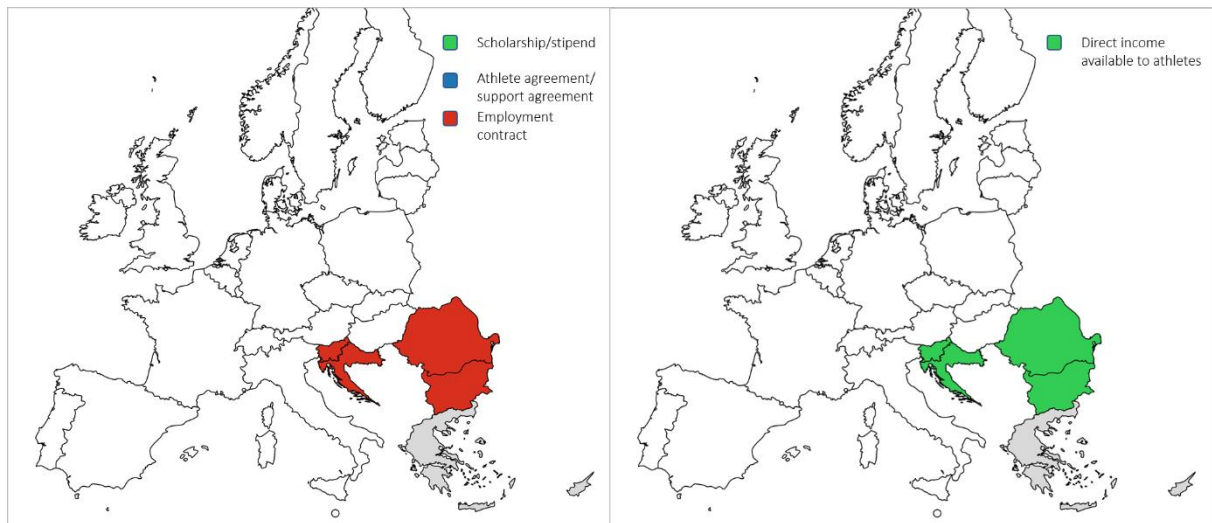


Figure 6.4: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from public authorities without a generic focus on elite sport of the South-eastern European region.

6.7. The Role of Specific Elite Sport Organisations



The General Secretariat of Sports (G.S.S.) in **Greece**, as a Specific Elite Sport Organisation, has a goal to cultivate, disseminate but also the consolidate of the sports spirit in society. It also aims to safeguard the values of Olympism and to promote the Olympic Spirit. The G.S.S. is responsible for the administration and organization of all sports facilities and services, so that there is efficiency and effectiveness. It is the body that supervises and controls all kinds of legal entities in the field of sports, in accordance with the provisions that apply on the Sports Policy program. The state intervention in sports is expressed and implemented through the General Secretariat of Sports. A large part of the functions of the federations, ranging from the electoral systems and their budgets, to the disciplinary institutions and the formal operation of the clubs, are controlled and approved by the G.S.S.



In **Cyprus**, the Cyprus Sports Organization has implemented a program which awards athletes according to their annual achievements. Depending on each athlete's achievements and the association with which she/he is registered, she/he might be entitled to a certain amount of money. The payments are not the result of any collective negotiations since it is up to the sole discretion of the Cyprus Sports Organization. However, the criteria of the award scheme are publicly available and determine the conditions under which athletes are eligible for bonuses of up to €150.000 for an Olympic gold medal.



Although, no specific elite sport organisation exists in **Bulgaria**, we find it interesting to note that the funding explained in section 5 is fully provided by the Ministry of Youth and Sport. It can be spent for life-long monthly bonuses, monthly cash allowances and one-time cash allowances payable to athletes as provided in article 134 of the Law on Sport. Pursuant to article 134 of the Law on Sport funds from the budget of the Ministry of Youth and Sport shall be used to award, inter alia, prizes to athletes,

medallists and prize winners from European and world championships, Olympic Games and similar games and leagues for people with disabilities.

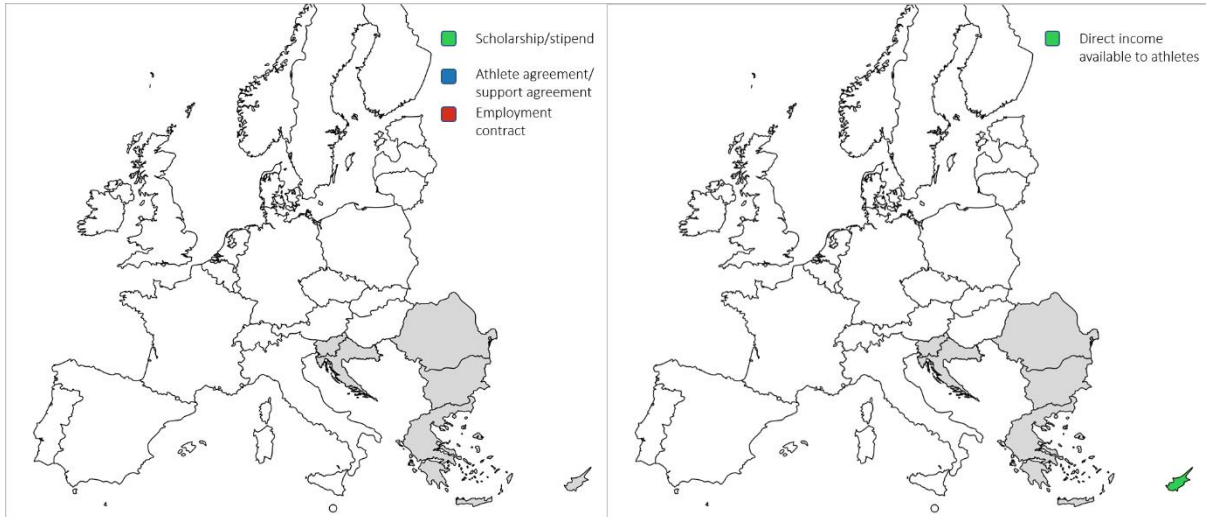





Figure 6.5: Contractual relationships (excluding specific contracts for participation in sport events) and direct income of athletes from specific elite sport organisations of the South-eastern European region.

6.8. Sponsorship, Self-Marketing and Additional Work

 In case of sponsoring only in **Romania** there is an actor that offers standard/model contracts as a service which athletes might use for sponsorship deals and it is the NOC of Romania.

 Regarding case-law on issues which arose from a sponsorship contract, there was only one case in **Greece** where the No 1110/2015 judgement of the Court of First Instance of Athens ruled on a case between an athlete who failed to pass his doping control tests and his sponsor. Their contract stipulated that, in case of doping control failure, the athlete was obliged to return the sponsorship retroactively. The sponsor, which was a private enterprise, had a contractual agreement with the elite athlete, stipulating that, the athlete would advertise its products, and as a return the sponsor would provide bonuses, in case of certain sports achievements. The agreement included a penalty clause, which stipulated that, in case the athlete was proven to have used prohibited substances, he would have to return the sum of the amounts received by the sponsor, retroactively. Two years after the agreement was concluded, and after the athlete was awarded with bonuses, he failed a dope control test, and he was punished by the disciplinary body of the Federation with a two-year suspension from sports activity. The athlete refused to return the amounts he received, on several grounds, the most important of which was that the dope control test was not done according to the due procedure. The court rejected the athlete's arguments and ruled in favor of the sponsor, ordering the return of the sponsorship amounts to the sponsor.

 Marketing and commercial opportunities are an important sector for athletes. Speaking about the incentives for self-marketing and commercial opportunities in **Greece**, the NOC is very active in providing

its network in order to bring together athletes and private sponsors who are interested in supporting them. The most prominent example is the action called “Adopt an Athlete”. There is no formal procedure for the action, or standard contract. The sponsor and the athlete arrange their contractual relationship independently and according to their interests.



In **Slovenia**, the NOC has a programme to educate athletes how to make a self-brand and also connects athletes with NOC sponsors.

Regarding the restrictions on self-marketing and commercial opportunities we note that they are stipulated through regulations of all the NOCs by virtue of the IOC Rule 40. Furthermore, in **all countries** the NOC is authorized by virtue of the bye-law to Rules 27 and 28 of the Olympic Charter to have the sole and exclusive authority to prescribe and determine the clothing and uniforms to be worn, and the equipment to be used, by the members of their delegations on the occasion of the Olympic Games and in connection with all sports competitions and ceremonies related thereto. This power of the NOC may be qualified as a restriction to certain commercial opportunities that would be otherwise available to the athletes.



However, in **Bulgaria** the NOC rules allow the athlete to use their own clothing and/or sporting equipment during the competitions at the Olympic Games, which reveals the option for them to receive such clothing and equipment on the basis of other commercial arrangements. Speaking about special rules for the NAF we must highlight that in Bulgaria the NAF includes a provision in the contracts with its athletes, obliging them to wear specific kind of equipment at the official championships and thus limiting the commercial option for the athletes to advertise potential sponsors at such championships.



In **Croatia** and **Slovenia**, the NOC has established a certain policy for candidates for the Olympic Games to avoid the conflicts between NOC sponsors and the sponsors of NF and athletes. In the contracts signed in the period of the preparations for the Olympic Games, the NOCs checks the situation with the sponsors of the National Federation or athletes as the principle of the exclusivity of sponsors is the foundation of sponsorship contracts within the Olympic family. In **Slovenia**, commercial opportunities for athletes are



furthermore regulated in the contracts with the national athletic federation and depend on the level and type of the contracts.



In **Romania**, there are also specific rules determined by the NAF Regulations. The rules refer to certain standards of performance of an athlete. Based on the specific rules an athlete is included in various categories of performance. Furthermore, in **all countries** we cannot find any policies, regulations or contract provisions which restrict the athlete from pursuing additional work.

6.9. Occupational Safety and Health



Regarding the specific national laws or court decisions on health and safety provisions for athletes, we find such only in **Romania**. Health and safety provisions are encompassed in Law nr. 69 din 28 April 2000 of physical education and sport (art. 54 and subseq) and by the National Institute for Sport Medicine as a public authority under the Ministry of Health. Art 57 of Law nr. 69 din 28 April 2000 of physical education and sport set up the national framework for medical control and medical assistance for athletes. According to the art. 57, the technical norms for medical control and medical assistance for athletes are drafted jointly by Ministry of Sport and Ministry of Health. According to art. 57, para 2 Ministry of Health is responsible to realize medical control and medical assistance through National Institute for Sport Medicine for national and Olympic teams. During the Olympic Games the health and safety obligations fall under the NOC and organizers. Outside Olympic Games the obligations fall under clubs, NOC and organizers of the competition, depending on the contract of the athletes according to Law nr. 69 din 28 April 2000 of physical education and sport and the law encompass all the provisions set in the table infra.

In all other countries the general law applies to athletes.



In **Bulgaria**, the Law on Sports provides for mandatory inclusion of provisions for insurance policies and medical insurance in the amateur and professional athletes' contracts with their clubs. The contracts of professional athletes must also contain conditions for their health and social insurance. Even in cases where no contract is signed between an athlete and a club, the athlete is entitled to the mandatory insurance policies and medical insurance, which are necessary for participation in training and competition activity. The Law on Sport further obliges the sports federations to adopt rules regarding the mandatory insurance policies of the amateur and professional athletes practicing the respective type of sport. As a matter of fact, many individual agreements between federations and athletes also contain obligations of such federations to provide insurance policies and medical insurance for the athletes although this obligation does not arise directly from the law. Apart from the above special provisions concerning the health and safety of athletes the general Law on the Healthy and Safe Conditions at Work is applicable to all places, where work is provided. This means that it will apply also with respect to the sports facilities where training and competition activity is exercised. Also, the said law is applicable to the persons who are working alone on their account. Such persons are obliged to provide healthy and safe conditions at work in all cases, related to the work and not only with regard to the working persons but, also, regarding all other persons that might be in or near the working place on whatever occasion. Working person in the context of the Law on the Healthy and Safe Conditions at Work could be also a person, who is self-employed. The requirements of the law with regard to the working equipment that must not threaten the health and the safety of the working persons will be definitely applicable to the sports equipment at sports facilities.

Pursuant to the individual agreements between the Bulgarian NAF and the athletes, the NAF requires the athletes to attend at specific time and venues the training camps and the competitions of the national team. In this respect, the NAF will be responsible for the provision of healthy and safe conditions at work during the camps and the competitions. Regarding the safety of the sports equipment used at sports facilities and the safety of such facilities themselves such responsibility could be sought by the respective owner of the facility. The NAF will be responsible for providing occupational safety protections rights to the athletes who are members of the national team. The other athletes must be insured against accidents at work and receive full medical insurance by their clubs, whose obligation shall arise from the law in the cases where the particular contract between an athlete and a club does not contain such provision. Other actors do not play a role in ensuring occupational safety and health of athletes in Bulgaria.



In **Cyprus**, the health and safety of athletes, as well as of every individual, is regulated by the ordinary Tort Law (Cap 148). The owner and/or the person who is in possession of a gym might be held liable for the damages incurred to an athlete following an injury in a game or training, if the court decides that the injury was sustained due to a breach of duty of the gym owner / occupant. For example, if some training equipment is defective and as a consequence an athlete is injured whilst using that defective equipment, the owner of the gym or the person in possession of it will be ordered by the court to compensate the athlete's damages and injuries. What is more, if and when an athlete is an employee, the Law on Safety and Health in Work (89(I)/1996 might be applicable. However, in order for this law to be applicable, the athlete will first need to prove that his injury was the result of a breach of duty or a negligent act of his employer. If the athlete simply had an injury whilst competing or training, and that injury was not the result of a breach of duty or a negligent act of the employer, but only an injury which came up in the ordinary course of the game or training, this law will not apply since the injury was not the result of breach of duty or negligence of the employer.

According to the national legislation, every person involved in sports first needs to be certified by the NAF as being medically (physically) fit to compete. All athletes of all sports need to submit certain medical examinations to the federation and these results are examined by a specialised committee composed of doctors who examine each athlete's results and authorise her/his participation in sporting competitions in Cyprus. Moreover, other public authorities such as the Ministry of Health, through the General Healthcare System, provides medical support to athletes if they are registered as beneficiaries in the system.

During the period of Olympic Games, the only entity which might be liable for the health and safety of athletes in Cyprus is the NOC. Especially if the games are abroad and the athletes travel to the games as a team under the guidance and supervision of the NOC. If, during such games, an athlete sustains an injury and provided it is proven that that injury was the result of the NOC's breach of duty or negligence, the NOC will then be held liable to compensate the athlete. The NAF does not have any direct

involvement in Olympic Games. For the period outside Olympic Games, the NOC will hardly be liable for an athlete's injury. The only possibility for this to happen is if the athlete was injured in a gym or using an equipment provided to him by the NOC and provided the court accepts that his injury was the result of a breach of duty or negligence by the NOC. For the same reason, in case of breach of duty or negligence which leads to an athlete's injury using equipment or grounds provided by the CSO, the latter might be held liable.



In **Greece**, there are applied the Art. 308 of the Greek Penal Code regarding bodily injuries, Art. 914 of the Greek Civil Law Code regarding compensation, Art. 128Θ of act No 2527/1999 (Sports Law) regarding doping, Act No 3418/2005 regarding medical malpractice. There was even a Judgment (477/2004) of the preliminary board of Misdemeanour of Patras (367/2003 and 368/2003 of the Court of Misdemeanour of Patras) in which have rendered liability in case of the death of a boxer. The National Federation organized amateur boxing games, forming categories for the athletes, according to their body weight, and not their experience, as an additional criterion. As a result, a less experienced athlete boxed with an experienced one. The bout ended with the death of the less experienced athlete. The administration of the Federation, the referee of the game, and the boxer were charged with manslaughter, the first two for omission to act, although they had an obligation to do so by the law. The indictment for the Federation was based on failing to meet their obligation to categorize the games in a way that would keep the athletes safe. The referee was charged for not stopping the game on time, and the athlete for acting with negligence against his dead opponent. The administration of the Federation was acquitted, and both the referee and the boxer were convicted as charged.

Besides, health and safety obligations ought to be observed by the professionals who are in charge of the training of the athletes and the sports events. Liability may range from coaches and doctors who attend the activities, to the administration of Federations, for omitting to take safety measures for the athletes' well-being. The NOC provides health insurance for the Olympic athletes, and covers medical expenses in case of injury. The General Secretariat of Sports (Ministry) has announced that an act is to be adopted, which will oblige the federations to provide psychological support to athletes, something that was rarely done so far.



In **Croatia** and **Slovenia**, the basis of the national health system is compulsory health insurance. But it does not cover all the services that the athletes need. The general national law is the Health Care and Health Insurance Act. While health and safety fall under the State's jurisdiction, the NOCs are providing some additional health benefits for all categorized athletes outside the Olympic Games period and during the Olympic Games period (accident insurance, mental health, prevention and medical check-ups). Some national sport federations and some clubs have contracts with health institutions where athletes can treat their medical issues. For the Olympic Games, the athletes are obliged to perform a preventive medical check-up. Besides that, all categorized athletes have the right for a yearly medical check-up.

 In **Croatia** the medical tests are mandatory only for taking part in competitions and the Sports Act says that persons allowed to participate in sporting competitions are persons whose general health was good in the period of six months before the sporting competition, and, when so prescribed by the regulations passed by the Minister in charge of health with the Minister in charge of sports' approval, also a special health ability is demanded, unless the provisions of the national sports federation determine a shorter period than six months.





































































 In **Slovenia**, the rights for health and medical service depend on the level of the athlete and are specified in the contracts which he signs with the NOC or national federations. The NOC has established a system with additional insurance, which ensures that the services are good and fast.

Table 6.2: Occupational safety and health provisions for athletes in the South-eastern European region.

| Actor / Occupational safety and health provisions | Accident insurance | Mental health | Physical health | Prevention | Safety policies | Medical check-ups | Access to medical facilities |
|---|---|---|---|---|---|---|---|
| NOC |  |  |  |  |  |  |  |
| |  |  |  |  |  |  |  |
| |  |  | |  |  |  |  |
| National athletics federation (NAF) |  |  |  |  |  |  |  |
| |  |  |  |  |  |  |  |
| | |  |  |  |  |  |  |
| | | |  |  |  |  |  |
| Public authority / state agencies without generic focus on elite sport* |  |  |  |  |  |  |  |
| |  |  |  |  |  |  |  |
| | |  |  |  |  |  |  |
| Specific elite sport organisation | | |  | |  | | |

* Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.

6.10. Social Protection



In this paragraph we will focus on the social protection of athletes. Speaking about the general provisions in **Bulgaria** (please see also supra under Occupational Safety and Health), in practice, all Olympic athletes including those exercising individual sports have concluded contracts with sports clubs because the existence of such contract is a mandatory condition precedent for the registration of any professional athlete as such and without such registration no athlete could obtain the right to compete in Bulgaria. There is an option under the Law on Sport for an amateur athlete to be registered on the basis of application only with no actual contract signed with a club, however, this option is unavailable for a professional athlete. In some sports athletes, who are national team members, conclude individual agreements not only with the respective federation but, also, with their club (e.g. tripartite agreements). Pursuant to such agreements the club undertakes (...) to provide conditions to the athlete to train outside the periods of the national team camps. Despite the absence of specification in the Law on Sport regarding the type of the contract concluded between an athlete and a club and the similar absence of court practice clarifying the type of the contract in case of individual sports, in reality, in most of the cases athletes are insured against health and social risks as employees working under employment agreements with sports clubs. Also, it should be noted that persons who pursue studies in higher schools do not pay social security contributions, which are for the account of the respective higher schools. Therefore, athletes who are studying at the National Sports Academy or other higher schools receive their health and social protection that way.



In **Cyprus**, in order for a person, athlete or not, to be entitled to social protection, he/she either needs to be contributing to the social insurances fund as an employee or self-employed (service provider) or needs to be a family member of such a person.




In **Romania**, there are numerous legal sources determining such a right, for instance Law nr. 69 din 28 April 2000 of physical education and sport in conjunction with general laws like Social health insurance Law 95/2006, Labour Code (Law nr. 53/2003), Unitary Public Pension System Law nr. 263 from 16 December 2010, Law nr. 76 from 16 January 2002 regarding insurance system for unemployment and Law Nr. 292/2011 from 20 December 2011 regarding social assistance.



In **Croatia and Slovenia** that will be only in the case athletes conclude an employment contract or in cases of their self-employment.

In **all countries**, we may say public authorities and entities of the State such as Social Security Services and Ministry of Health through the General Healthcare System are providing retirement schemes and medical healthcare to persons registered as beneficiaries, and of course those rules apply to athletes in case they enjoy the labour law status in any case.

 In **Greece**, health care is provided for national team athletes by the Federation. Athletes that are in pursuit of qualification to the Olympics, and athletes that have qualified, are offered health care by the NOC.


























 In **Croatia, Slovenia and Rumania**, athletes who are employed by ministries are entitled to all the rights and benefits of the employees in public sector. But here we must note that In **Croatia** athletes who have the status of reserves in the military sector within the Ministry of Defence do not enjoy health insurance since they are in the reserves status. Additionally, in **Slovenia**, the NOC has established a system of special health insurance and health care for elite Olympic athletes and helps retired athletes to find employment in the family of NOC sponsors.

Table 6.3: Social protection provisions for athletes in the South-eastern European region.

| Actor / Social protections | Pension / Retirement scheme | Occupational disability protection | health care | Maternity protection / parental leave benefits | Unemployment assistance |
|---|---|---|---|---|---|
| NOC | | |    | | |
| National athletics federation (NAF) | | |    | | |
| Public authority / state agencies without generic focus on elite sport* |    |    |    |    |  |
| Specific elite sport organisation | | | | | |

* Statutory occupational safety and health provisions usually apply in case of an employment relationship. Therefore, if an athlete can enter into a contractual relationship (employment or otherwise) with one of the four actors introduced above that grants him or her access to statutory social protection, the provision is considered to be provided by this actor who is a party to the contract.

 Speaking about any cases of a public debate about precarious/risky social conditions of (former) athletes in Olympic sports we must highlight that in **Greece** there have been complaints by athletes against federations for insufficient physical health care and lack of mental health support within the national teams. Just opposite to that, according to the Sports Act, the Government in **Croatia** gives a Permanent Monthly Monetary Compensation to winners of Olympic, Paralympic and Deaf Olympic Games medals (100% of the average net salary for winning a gold medal, 80% for a silver Olympic medal or gold medal at a world senior championship in Olympic sports and 60% for a bronze Olympic medal or silver medal







at a world senior championship in Olympic sports. Finally, 40% of the average net salary is awarded to winners of a bronze medal at the world senior championships in Olympic sports). One of the conditions is that a person is older than 45 years of age. There is a debate that even coaches should receive such a compensation and often in the media there are criticisms that top players who earned millions in sports receive such compensations which they financially do not need.

6.11. Participation and Bargaining




Although athletes' participation in the decision-making process has become more and more important and supported by the IOC for instance, we must say that there are no real organisations, from the trade union law point of view in all the countries, except in **Slovenia** where we do find the Slovenian Athletes Union (Sinidkat športnikov Slovenije) which is an important stakeholder representing athletes in general in Slovenia and abroad and which has a legal form of a trade union according to Slovenian law. We may say that obviously one of the reasons is that we lack the labour law status of athletes in those countries. Since the numbers of athletes with a labour law status is very low or not present at all, the general state act rules on trade unions with for example the minimum of 15 employees (**Romania**) or 10 employees (**Croatia**) is an impossible target. Collective bargaining agreements exist in none of the countries. In all countries, however, we find the Athletes' Commission as a specific body within the NOCs, together with athletes' representatives in the Assembly (**Croatia, Cyprus, Greece, Romania, Slovenia**), Executive board (**Bulgaria, Croatia, Cyprus, Slovenia**) or other bodies such as Ethics Commission (**Romania**), and Athletes' Awards Bodies (**Croatia**).



In **Bulgaria** there is Athletes' Commission with the NOC established in compliance with the guidelines given by the IOC. The NOC's Statutes determines the Commission as an ancillary body of the NOC. At least two athletes, chosen by the Commission among the athletes who participated in at least one of the last three Olympic Games become members of the NOC. As members of the NOC such athletes can participate in the NOC's activities and in their governing bodies, raise issues for resolution by the competent BOC's bodies, receive information regarding the NOC's activity and decisions, ask for explanations from the NOC's bodies in case of non-performance of the decisions taken etc. The Athletes' Commission chooses one athletes' representative as a member of the Executive Bureau of the NOC.

In **Croatia** there is also the Athletes Commission (6 representatives from Summer Olympic sports, 2 from Winter Olympic sports and 2 of non-Olympic sports). Athletes representatives are also members of different commissions which decide on questions about athletes' status or awards. Also, there exist the Croatian Olympic Athletes' Club which have representatives in the NOC bodies (the Assembly and the Council).

-  In **Cyprus** following a suggestion by the IOC, an athletes' commission was implemented. This commission's task is to represent the athletes. The Athletes Committee is represented in the General Assembly of the NCO and two of its members have the right to vote in the General Electoral Assemblies. In addition, a member of the committee participates in the Executive Board of the NOC. In
-  **Romania** there is also the Athletes Commission, but the athletes have representatives in various working
-  groups, in Ethics Commission, General Assembly and Executive Committee of the NOC. In **Slovenia** together with the Athletes' Commission representatives of the athletes are members of General Assembly, Executive board and NOC's working bodies.
-  In case of the Athletics Federation only in **Greece** and **Slovenia** athletes have their body (a commission)
-  which represents their interests. In **Croatia** at the last Assembly there was taken the decision to forms such a commission.
-  In **Croatia** there is a specific association of Olympic athletes called the Croatian Olympians Club which have representatives in the NOC bodies (the Assembly and the Council) and an association called Croatian association of professional Athletes which also has some incentives in the fight for better athletes' status but do not have a legal form of a trade union.

6.12. Specificities, Current Conflicts and Issues

-  In dealing with the issue of conflicts on various levels we must say that there was an interesting case in volleyball in **Bulgaria** (please see supra in Section 3. Legal Status of Athletes in Olympic Sports).
- Regarding the public debates about conflicts/disagreements between athletes (individually or collectively) and a NOC, the national athletics federation, any public authority/entity/state agency or specific national elite sport organisations that have arisen in the last five years, we must note that in
-  **Cyprus** from time to time, very rarely, there might come up complaints from athletes against their associations, the CSO and the NOC. These complaints are mostly demanding for better financial support of athletes.
-  In **Greece**, at the beginning of 2021, there was a massive outbreak of major conflicts between athletes and federations, for abuse of power, sexual abuse of athletes, illegal violence against them, and squandering of funds. Also, athletes have made accusations of sexual abuse in the sports environment. It is argued that the long-term office of administrations has nurtured corruption. Some tens Elite athletes have reported publicly names and incidents. The cases are being under investigation by the competent authorities. There have also been complaints by athletes against Federations for insufficient physical health care and lack of mental health support within the national teams in Greece.

 In **Slovenia**, the NOC has identified that former Olympic athletes need attention and with the support of Sport Ministry found some status rights for the athletes from which they can benefit. In **Slovenia** there exists a Career Centre within the NOC for two years already and the same was recently formed also in  **Croatia**. The head of the Career Centre in Croatia is the former bronze medallist in shooting at the 2008 Beijing Games Snježana Pejčić. Maybe the best status to former athletes is given in **Croatia**. According to the Sports Act, the Government in Croatia gives a Permanent Monthly Monetary Compensation to winners of Olympic, Paralympic and Deaf Olympic Games. One of the conditions is that a person is older than 45 years of age (see supra section 10). There is a debate that even coaches should receive such a compensation and often in the media there are criticisms that top players who earned millions in sports receive such compensations which they financially do not need. Furthermore, in **Croatia** there exists the Foundation Croatian athletes (Zaklada hrvatski sportaši) which helps Croatian athletes and coaches in needs. It was founded by the NOC of Croatia, the Croatian Olympians Club and the only sports newspapers Sportske Novosti.

Literature Chapter 6

Croatian Olympians Club (2021), available online at: < <https://www.olimpijci.hr/club>>

Greek Case-Law (2015): No 1110/2015 judgment of the Court of First Instance of Athens, available online at: <<https://lawdb.intrasoftnet.com/>>

Greek Case-Law (2004) The 477/2004 judgment of the preliminary board of Misdemeanor of Patras, and 367/2003 - 368/2003 of the Court of Misdemeanor of Patras judgment, in POINIKI DIKAIOSINI (2005), p. 404.

Kartakoullis, Nicos L., Loizou, Christina (2013) 'Cyprus'. In K. Hallmann and K. Petry (eds.), *Comparative Sport Development: Systems, Participation and Public Policy, Sports Economics, Management and Policy 8* (New York: Springer Science, Business Media)

Kolev, Boris, Simov, Tzvetelin (2017) *Sports Law in Bulgaria* (Alphen Aan den Rijn: Kluwer Law International)

Kraljić, Suzana, Šepec, Miha, Drnovšek, Katja (2020) 'Developments of sports law in the Republic of Slovenia', *Zbornik radova Pravnog fakulteta u Splitu*, 57:2, 287-304

Smokvina, Vanja (2017) *Sports Law in Croatia* (Alphen Aan den Rijn: Kluwer Law International)

Annex 1: Expert Questionnaire

Approach and guide to filling out the expert questionnaire

The questionnaire addresses formal legal instruments like national laws or private contracts and more informal institutions and practices which **shape the social reality of athletes from the perspective of employment relations** in your country. The scope of the research specifically considers:

- national laws, court decisions as well as legal acts and formal regulations;
- policy papers, guidelines, collective bargaining agreements and similar documents of, and private contracts with

a) the National Olympic Committee

b) the national athletics federation (track and field)

Note: While it is not possible to analyse all national sport federations of the Olympic Movement falling under the above definition, the national athletics (track and field) federation serves as a case study for comparison across all countries on the level of the national sport federations.

c) public authorities/entities or state agencies without a generic/original focus on elite sport supporting elite athletes (like e.g., the armed forces)

Note/Example: In some countries, elite athletes can be employed by the armed forces but are exempt from their service within the army to pursue their sporting careers.

d) (if applicable) specific national elite sport organisations/entities, including national sport umbrella organisations

Note: Please include those organisations which are specifically dedicated to supporting and funding the elite sport system; these can be public agencies, private, or intermediary (public and private) organisations.

These four actors are addressed and analysed in various questions of the expert questionnaire. The **colours** of each actor indicate when specific questions address each respective actor.

This approach ensures that the data will be comparable across the large number of countries. Please provide **references** to selected documents and literature you consulted.

Section 1 of the questionnaire aims at a **brief introduction** into your **country's national legal and socio-political framework** as well as into the fundamentals of the **national elite sport system**.

Sections 2 to 7 then cover **specific aspects of the employment relations** of athletes in Olympic sports. The final **section 8** of the questionnaire gives the opportunity to include **national peculiarities** which might not be captured through answering the previous questions.

Your country:

1. National framework and setting of the Elite Sport System

1.1. Constitutional provisions and specific national sports law/law on sport

1.1.1. Are there any specific sports-related provisions in the constitution of your country?

YES () No ()

If yes, briefly outline the core of the provision.

Explanation

1.1.2. Is there a specific national law on sport in your country?

YES () No ()

If yes, briefly outline the core provisions of the law.

Explanation

1.1.3. Which ministry/branch of the executive is responsible for elite sport?

Explanation

1.1.4. Do regional or local authorities have any competence in sport (legislative, executive)?

Explanation

1.2. Elite Sport System

1.2.1. Briefly outline the core organisations of the Olympic Movement in your country.

Explanation

1.2.2. Do **specific national elite sport organisations** exist on the national level to support elite sport development? Note: *Please refer to point d) of the introduction.*

YES () No ()

If yes, please list the organisations and briefly explain their roles.

Explanation

1.2.3. Do **public authorities/entities or state agencies without a generic/original focus on elite sport** play a role in the support of elite athletes? Note: *Please refer to point c) of the introduction.*

YES () No ()

If yes, please list the entities and briefly explain their roles.

Explanation

1.2.4. If applicable, are there any additional actors (private, public, intermediary [cooperation of private and public actors]) involved in the elite sport system? Note: *Please exclude private sponsorship.*

YES () No ()

If yes, please list the entities and briefly explain their roles.

Explanation

1.2.5. Briefly explain the relationship between public authorities and organised sport in Olympic sports. Which principles might best explain this relationship (e.g. cooperation, conflict, autonomy, principal and agent, etc.)?

Explanation

1.2.6. How many athletes have participated in the most recent summer and winter Olympic Games? Note: *Please provide separate figures for summer and winter games.*

Explanation

1.2.7. If existent and available, how many athletes are part of a national elite sport programme or elite cadre system? If data is not available, please give an approximation of the number of athletes active in Olympic elite sport.

Explanation

1.3. National employment law (collective and individual) and industrial relations

1.3.1. Briefly outline the general constitutional framework on labour law. Which major legal acts shape the fields of employment and self-employment?

Explanation

1.3.2. Are the following topics addressed in national employment law ("*legal constitution*")?

| Provision | yes | no | key characteristics/features | source/legislation |
|-----------------------------|-----|----|--|--------------------|
| working hours/maximum hours | | | <ul style="list-style-type: none"> • brief explanation • | |
| fixed-term contracts | | | <ul style="list-style-type: none"> • | |
| maternity leave | | | <ul style="list-style-type: none"> • | |
| educational leave | | | <ul style="list-style-type: none"> • | |
| annual holiday | | | <ul style="list-style-type: none"> • | |

1.3.3. Briefly outline the fundamental principles of the national industrial relations system based on standard literature covering your country. This refers in particular to individual and collective employment relationships and relationships between

representatives of employers and employees (“*living constitution*”) (e.g. cooperation and conflict).

Explanation

1.3.4. Briefly outline and explain the key actors in the collective regulation of employment relations (trade unions, etc.)

Explanation

1.3.5. Are there any court cases on the status of athletes in Olympic sports under national employment law?

YES () No ()

If yes, briefly outline the core of the decisions.

Explanation

1.3.6. Does the national labour law provide specific measures to regulate sport? (e.g., minimum wages?)

YES () No ()

If yes, please list and briefly explain any specific measures.

Explanation

1.4. Welfare system: Are these five pillars of the welfare system existent in your country?

| Provision | yes | no | key characteristics/features | source/legislation |
|--|-----|----|------------------------------|--------------------|
| health care | | | • <i>brief explanation</i> | |
| benefits in respect of accidents at work and occupational diseases | | | • | |
| old-age/pension benefits | | | • | |
| unemployment benefits | | | • | |
| long-term care benefits | | | • | |

2. Contractual relationships of athletes

Note: *If a contract exists between an athlete and an organisation, please specify the following details:*

- *Parties to the contract*
- *Classification/status under that contract (e.g., employed, service provider, etc.)*
- *Duration*
- *Contract termination*
- *Remedy*
- *Standardisation (standard form contract or individually negotiated)*

2.1. Contractual relationship with the NOC

2.1.1. Outside the period of the Olympic Games, do athletes have a general contract with their National Olympic Committee?

YES () No ()

2.1.1.1. If formal contracts exist, please specify by providing the above information (*parties, classification, etc.*).

Explanation

2.1.1.2. If formal contracts exist, what criteria must an athlete fulfil to enter into a contractual relationship with the NOC?

Explanation

2.1.1.3. If applicable, how many athletes currently are in a contractual relationship with the NOC?

Explanation

2.1.1.4. If no formal contracts exist, does the NOC outline a standard procedure for other organisations (e.g., national sports federations and/or sport clubs) to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.1.2. During the period of the Olympic Games, do athletes have a contract with their National Olympic Committee?

YES () No ()

2.1.2.1. If a formal contract exists, please specify by providing the above information (*parties, classification, etc.*).

Explanation

2.1.2.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with the NOC?

Explanation

2.1.2.3. If no formal contract exists, does the NOC outline a standard procedure for other organisations (e.g., national federations and/or sport clubs) to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.2. Contractual relationship with the national athletics federation

2.2.1. Outside the period of the Olympic Games or an international sporting event, do athletes have a general contract with the national athletics federation?

YES () No ()

2.2.1.1. If a formal contract exists, please specify providing the above information (*parties, classification, etc.*).

Explanation

2.2.1.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with the national athletics federation?

Explanation

2.2.1.3. If applicable, how many athletes currently are in a contractual relationship with the national athletics federation?

Explanation

2.2.1.4. If no formal contract exists, does the national athletics federation outline a standard procedure for sport clubs to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.2.2. During the period of the Olympic Games or an international sporting event, do athletes have a contract with the national athletics federation?

YES () No ()

2.2.2.1. If a formal contract exists, please specify providing the above information (*parties, classification, etc.*).

Explanation

2.2.2.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with the national athletics federation?

Explanation

2.2.2.3. If no formal contract exists, does the national athletics federation outline a standard procedure for sport clubs to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.3. (If applicable) Is there a contractual relationship between athletes and public authorities/entities or state agencies without a generic/original focus on elite sport supporting elite athletes (e.g., armed forces, etc.)?

YES () No ()

2.3.1. If a formal contract exists, please specify by providing the above information (*parties, classification, etc.*).

Explanation

2.3.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with a public entity/state agency?

Explanation

2.3.3. If applicable, how many athletes currently are in a contractual relationship with public entities/state agencies?

Explanation

2.4. (If applicable) Contractual relationship to specific national elite sport organisations/entities

2.4.1. Outside the period of the Olympic Games or international sporting events, do athletes have a general contract with a specific national elite sport organisation/entity?

YES () No ()

2.4.1.1. If a formal contract exists, please specify by providing the above information (*parties, classification, etc.*).

Explanation

2.4.1.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with a specific national elite sport organisation/entity?

Explanation

2.4.1.3. If applicable, how many athletes currently are in a contractual relationship with a specific national elite sport organisation/entity?

Explanation

2.4.1.4. If no formal contract exists, does the specific national elite sport organisation/entity outline a standard procedure for other organisations (e.g., national sport federations and/or sport clubs) to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.4.2. During the period of the Olympic Games or international sporting events, do athletes have a contract with a specific national elite sport organisation/entity?

YES () No ()

2.4.2.1. If a formal contract exists, please specify by providing the above information (*parties, classification, etc.*).

Explanation

2.4.2.2. If a formal contract exists, what criteria must an athlete fulfil to enter into a contractual relationship with a specific national elite sport organisation/entity?

Explanation

2.4.2.3. If no formal contract exists, does the specific national elite sport organisation/entity outline a standard procedure for other organisations (e.g., national sport federations and/or sport clubs) to contract individual athletes?

YES () No ()

If yes, please specify.

Explanation

2.5. Sponsorship

2.5.1. Does any of the following actors offer standard/model contracts as a service which athletes might use for sponsorship deals?

2.5.1.1. the NOC: YES () No ()

2.5.1.2. the national athletics federation: YES () No ()

2.5.1.3. a public authority/entity or state agency without a generic/original focus:
YES () No ()

2.5.1.4. the specific national elite sport organisation: YES () No ()

2.5.2. Are there any cases of legal disputes and/or court rulings specifying the relationship between athletes and sponsors?

YES () No ()

If yes, briefly outline the core of the decision.

Explanation

2.5.3. Are there any conflicts/political debates over the relationship between athletes and sponsors?

YES () No ()

If yes, briefly outline the core of the debate.

Explanation

3. Income/money and other benefits

3.1. Which “direct income” (i.e., money which athletes receive for their personal and independent use) do athletes receive:

3.1.1. from the NOC?

Explanation

3.1.2. from the national athletics federation?

Explanation

3.1.3. from any public agency/entity/state agency? (including sport specific, like the ministry for sport, and non-generic but sports-related authorities/entities)

Explanation

3.1.4. from the specific national elite sport organisations/entities?

Explanation

3.2. How can this money be classified? Is it a (regular) salary, one-off payment, allowance, compensation, etc.?

Explanation

3.3. Is the amount of money subject to individual or collective negotiation or fixed by a funding policy/scheme applicable to all athletes? Please specify the funding policy/scheme and the potential requirements an athlete must fulfil (if not already provided in section 2).

Explanation

3.4. (If applicable) Which additional sources of “direct income” exist for athletes? (e.g. sponsorship, employment outside of sport, etc.)

Explanation

3.5. Are there any incentives for self-marketing and commercial opportunities:

3.5.1. from the NOC? YES () No ()

If yes, please specify.

Explanation

3.5.2. from the national athletics federation? YES () No ()

If yes, please specify.

Explanation

3.5.3. from any public authority/entity/state agency? YES () No ()

If yes, please specify.

Explanation

3.5.4. from the specific national elite sport organisations/entities? YES () No ()

If yes, please specify.

Explanation

3.6. Are restrictions on self-marketing and commercial opportunities stipulated through regulations of:

3.6.1. the NOC? YES () No ()

If yes, please specify.

Explanation

3.6.2. the national athletics federation? YES () No ()

If yes, please specify.

Explanation

3.6.3. any public authority/entity/state agency? YES () No ()

If yes, please specify.

Explanation

3.6.4. the specific national elite sport organisations/entities? YES () No ()

If yes, please specify.

Explanation

3.7. What kind of additional funding (“indirect income”) and other benefits (material goods) that support the sporting career of athletes (e.g., expenses payments, equipment, accommodation, transportation) do athletes receive:

3.7.1. from their NOC?

Explanation

3.7.2. from the national athletics federation?

Explanation

3.7.3. from any public authority/entity/state agency?

Explanation

3.7.4. from the specific national elite sport organisations/entities?

Explanation

3.8. Do any policies, regulations or contract provisions restrict the athlete from pursuing additional work?

YES () No ()

If yes, please specify.

Explanation

4. Working time

4.1. If applicable: Considering the contractual relationship(s) identified in section 2 above, is any working time stipulated in the contract/s?

YES () No ()

If yes, please specify.

Explanation

4.2. Have there been court cases which specify the working time of elite athletes in Olympic sports? Note: *Please refer to the definition of “Olympic sports” found in the introduction.*

YES () No ()

If yes, briefly outline the core of the decision.

Explanation

4.3. Building on your answers of question 4.1 and 4.2: How is working time calculated?

4.3.1. Time spent on training and competition

Explanation

4.3.2. Obligations “off the field” (i.e., additional obligations)

Explanation

4.4. If applicable: Are rest days and parental or other leave stipulated in the contracts?

YES () No ()

If yes, please specify.

Explanation

5. Occupational safety and health

5.1. Are there specific national laws or court decisions regarding health and safety provisions for athletes? **YES () No ()**

5.1.1. If yes, please name and briefly explain these laws or court decisions?

Explanation

5.1.2. If no, what general national laws or court decisions will apply to the health and safety of athletes.

Explanation

5.2. Upon whom will the health and safety obligation fall (e.g. the National Olympic Committee, national athletics federation, etc)? Please identify all entities that may owe a health and safety obligation towards an Olympic athlete during the period of the Olympic Games and outside the period of the Olympic Games.

Explanation

5.3. Please complete the following table to identify whether the occupational safety and health measures are provided and by whom.

| | (mandatory) Accident insurance | | Mental Health | | Physical Health (e.g., provision of protective equipment) | | Prevention (e.g. information/ education on potential sources of harm/risk) | | Safety policies (e.g. in relation to stadium or gym facilities, etc) | | Medical Check-ups | | Access to medical facilities | | |
|---|--------------------------------|----|---------------|----|---|----|--|----|--|----|-------------------|----|------------------------------|----|--|
| | yes | no | yes | no | yes | no | yes | no | yes | no | yes | no | yes | no | |
| NOC | | | | | | | | | | | | | | | |
| national athletics federation | | | | | | | | | | | | | | | |
| public authority/entity | | | | | | | | | | | | | | | |
| Specific elite sport organisations | | | | | | | | | | | | | | | |

5.4. Please outline 1-2 important examples of the provisions of question 5.3.

Explanation

6. Social protection

6.1. Under which conditions (e.g., legal status, private agreements, etc.) will general provisions of social protection (see question 1.3 and 1.4) apply to athletes in Olympic sports?

Explanation

6.2. Are there any sport specific related social protections in national law?

YES () No ()

If yes, please specify.

Explanation

6.3. Are there any court cases concerning the social protection entitlements of athletes in Olympic sports?

YES () No ()

If yes, please specify.

Explanation

6.4. Please complete the following table to identify whether the social protections are provided and by whom.

| | Pension/retirement scheme | | Occupational disability protection | | Health Care | | Loss of income insurance | | Maternity protection and/or maternity/parental leave benefits | | Unemployment assistance | |
|---|---------------------------|----|------------------------------------|----|-------------|----|--------------------------|----|---|----|-------------------------|----|
| | yes | no | yes | no | yes | no | yes | no | yes | no | yes | no |
| NOC | | | | | | | | | | | | |
| national athletics federation | | | | | | | | | | | | |
| public authorities/entities | | | | | | | | | | | | |
| specific elite sport organisations | | | | | | | | | | | | |

6.5. Please outline 1-2 important examples of the provisions of question 6.4.

Explanation

6.6. Have there been any public debates about precarious/risky social conditions of (former) athletes in Olympic sports? Note: *Please refer to the definition of “Olympic sports” found in the introduction.*

YES () No ()

If yes, briefly outline the core of the debate.

Explanation

7. Participation and bargaining power

7.1. Which organisations represent the interests of Olympic athletes?

7.2. Do collective bargaining agreements exist between athletes and the following entities:

7.2.1. the NOC: YES () No ()

If yes, briefly outline the core of the agreement.

Explanation

7.2.2. the national athletics federation: YES () No ()

If yes, briefly outline the core of the agreement.

Explanation

7.2.3. public entities: YES () No ()

If yes, briefly outline the core of the agreement.

Explanation

7.2.4. the specific elite sport organisations: YES () No ()

If yes, briefly outline the core of the agreement.

Explanation

7.3. If not addressed in section 1., please outline the requirements to form a union under national law.

Explanation

7.4. Do athletes' commissions/advisory councils exist in

7.4.1. the NOC: YES () No ()

7.4.2. the national athletics federation: YES () No ()

7.4.3. the specific national elite sport organisations: YES () No ()

7.5. How are athletes represented (e.g., on boards, in working groups, etc.) within the structures of:

7.5.1. the NOC?

Explanation

7.5.2. the national athletics federation?

Explanation

7.5.3. the specific national elite sport organisations?

Explanation

7.6. Have there been any public debates about conflicts/disagreements between athletes (individually or collectively) and a **NOC**, the **national athletics federation**, **any public authority/entity/state agency** or **specific national elite sport organisations** that have arisen in the last 5 years.

YES () No ()

If yes, please specify.

Explanation

8. Specificities of your country's sport system

8.1. If you are aware of any other national sport federation with specific characteristics regarding the employment relations of athletes that differ from the characteristics of the above-mentioned organisations, please briefly outline this case.

Explanation

8.2. Please assess the overall role clubs play in forming the employment relations of athletes in Olympic sports?

Explanation

Note: Please refer to the definition of “Olympic sports” found in the introduction.

References (please provide key secondary literature and primary sources)

Annex 2: List of National Experts

Northern Europe

Denmark: Jörg Krieger
Finland: Kati Lehtonen, Jari Lämsä
Ireland: Séan Ó Connail
Norway: Hallgeir Gammelsæter
Sweden: Johan Lindholm
United Kingdom: Leanne O’Leary

Central Europe

Austria: Ursi Witzani
Belgium: An Vermeersch, Gaël Vandersteene
Germany: Jürgen Mittag, Maximilian Seltmann, Lorenz Fiege
Hungary: Szilvia Perenyi
Luxembourg: Thierry Wagner
Netherlands: Steven Jellinghaus

Eastern Europe

Czech Republic: Michaela Kaprálková
Estonia: Raido Mitt
Latvia: Aiga Paikena
Lithuania: Vilma Čingienė
Poland: Pawel Zambura
Slovakia: Michal Varmus

South-Eastern Europe

Bulgaria: Kolev Todorovska Law Firm
Croatia: Vanja Smokvina
Cyprus: Loizos Hadjidemetriou
Greece: Konstantinos Papastergiou
Romania: Cristian Jura
Slovenia: Tone Jagodič

South-Western Europe

France: Nicolas Delorme
Italy: Alberto Predieri, Mattia Lettieri
Malta: Robert Dingli
Portugal: Luiz Haas, Thiago Santos
Spain: Nicolas Francisco de la Plata Caballero



Further information about the EMPLOYS Project can be found at
www.dshs-koeln.de/iesf/employs
ERASMUS+ Project 622796-EPP-1-2020-1-DE-SPO-SCP