

# THE PLAYERS GUIDE

# TO SOCIAL DIALOGUE

HOW TO SET UP AN EFFECTIVE PLAYER ASSOCIATION



# FOREWORD

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*This guide was written by players associations for players.*

This guide will help you set up a professional players association. You will learn from the experiences and mistakes of other players who have set up associations themselves. You will benefit from the specialist knowledge of some of the most successful and longest established players associations in the world. Perhaps more importantly, you will learn from some of the newer players associations in Europe.



Of course, setting up a players association is not an end in itself - it's what you do with it that counts. This guide will also help you to make your players association more effective and sustainable.

Finally, writing can only do so much - it is always good to talk. This guide will point you in the direction of people who are happy to help. EU Athletes are the collective body for players associations in Europe and we are committed to helping the development of new players associations in all sports across Europe.

We look forward to talking to you soon.

*Yves Kummer*

President EU Athletes

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► **WHAT IS SOCIAL DIALOGUE?**

.....  
You have probably already had Social Dialogue without knowing it. At its simplest, Social Dialogue is a discussion between a group of players and whoever employs them (normally clubs).

Social Dialogue is a phrase that covers a great deal - from informal discussions at club level to a national Collective Bargaining Agreement; to a European-wide agreement between employers and players that can alter European laws.

The European Commission has made promoting Social Dialogue in sport one of its priorities (hence the funding for this guide).

This guide is aimed at those wanting to set up a national players association in their sport. This is an essential step in initiating Social Dialogue in sport and will enable the players to have a voice in matters affecting them.

► **WHAT IS A PLAYERS ASSOCIATION?**

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A players association can take many forms but it is generally a properly constituted and democratically elected organisation set up to represent the interests of its members - the professional players.

By bringing players together in solidarity it is possible to form a powerful collective voice that will help to protect and promote the interests of players. A club can sack one player but it can't sack a whole team or league.

Players associations can also give players a say in the wider governance of their sport.

► **WHY BOTHER?**

.....  
It is no coincidence that some of the sports with the best players associations have the best paid and well protected players.

Too many sports clubs think that normal employment rules do not apply to them and that they can hire and fire players at will.

Whilst being a professional athlete is a great job, players are only one bad injury away from being unemployed or a few bad games away from being fired. Sadly, it is often only when things go wrong that players realise the need for a players association to look after them.

The legal situation within Europe generally means that players associations can negotiate legally binding Collective Bargaining Agreements. This form of Social Dialogue is enshrined within European legislation and is protected by European law. The interaction between European and national laws is complicated but Collective Bargaining Agreements should be protected by national laws as well.

By taking the initiative and setting up a players association you will be helping to protect the interests of current and future players. You will have the chance to continue working in sport and if the association is successful you might just go down in history as the founder of your sport's players association.



## ► HARD WORK

First things first. It is not easy to set up a players association. It will require a lot of hard work for very little pay. The majority of players that you are trying to help will probably be apathetic. You are also likely to suffer discrimination by clubs and federations - it is not uncommon for leading figures in players associations to be released by clubs when their contracts expire.

It is important that you are aware of the hard work involved. It may take a few years before you see any return. But all athletes know that nothing worthwhile is easy and that everything takes determination and perseverance (and the odd bit of luck). It probably helps if you think of the first year or two setting up a players association as an apprenticeship.

## ► FINDING HELP

Setting up a players association makes you part of a worldwide team. There are many people willing to help, people who believe in the importance of players associations who will volunteer their time and expertise.

Other players associations will help. There is probably at least one other players association in your country<sup>1</sup> and different countries may have a players association in your sport<sup>2</sup>.

You should be able to find a friendly lawyer who is prepared to be your (free) legal adviser - there is likely to be plenty of paid work for them in the future when the association is established<sup>3</sup>. Also, try to find an accountant ready to give free financial advice in return for an honorary position and some free tickets.

You may wish to affiliate or work with a bigger union. This approach has benefits and drawbacks discussed later on but it is definitely worth talking to a union as you consider your options. UNI europa / EURO-MEI are one of the partners in this project and they are committed to assist in the development of players associations and social dialogue.

The list of contact details are at page 31.

1. Football has a players association in almost every European country - contact FIFPro for more information [www.fifpro.org](http://www.fifpro.org)
2. EU Athletes should be able to help find other associations [www.euathletes.info](http://www.euathletes.info).
3. Always keep in mind that a 'free' lawyer may have a hidden agenda.

## ► WHO'S WHO?

It is almost always best if the key staff at the new association are ex-players. The difficulty in having current players running the association is that they are likely to face discrimination at work and may struggle with time commitments.

Having an ex-player in charge will give an insight into the key issues and make it easier to talk with players. Professional sportsmen can be an insular group, naturally suspicious of strangers. An ex-player can overcome these barriers and will have friends and ex-team mates who are still playing.

Current players will need to be involved as honorary/elected representatives of the association. They too are likely to face discrimination and so you should think carefully about who to choose. Realistically, it is good to get someone who is 'untouchable' like a star of your national team or a well respected club captain at one of your leading clubs.

In the first year it is legitimate and worthwhile to hand pick your Executive Committee of current players; ideally, at least four from different teams.

The skills required to run a players association include being good with paperwork, finances, public speaking, negotiating, organising meetings and dealing with lawyers and the media. But don't worry too much - most of us learnt as we went along and there are always self-help books to read and educational/training courses to go on.

## ► FIND AN ISSUE

Having an important issue that concerns the players will make it much easier to start a players association. This can be almost anything and could include player safety, the fixture list, accident insurance, drug testing, the quality of referees or what happens when players finish their playing careers. Speak to a few players and find out what they are most worried about and then start to hype it up.

## ► TEST THE WATERS

Now that you have your issue you need to get out there and see if there is enough interest amongst the players in setting up a players association.

Design a short form (a sort of preliminary membership form) for players to indicate their interest in joining the new players association. This form should include contact details so that you can keep in touch.

## ► START AT THE TOP

Experience has shown that it is generally easiest to start with the national team when it comes to finding out if players are interested and also getting your first members. This has a number of benefits - they are likely to be too good to sack, you've got the best players on board who will be respected within the game and internationals are likely to spread the news when they go back to their home clubs.

Signing up the national team will also help with official recognition by the sports federation, as discussed later.

## ► GET OUT AND ABOUT

.....  
No players association has ever succeeded without spending considerable time meeting and talking to players. There is no way around this; face-to-face meetings are the only way to get going. Even when you are established players associations should meet every team at least once a year.

There is merit in identifying a key player at each club who seems most interested and could be your initial contact point. This person could become your club representative and may wish to stand for election to the Executive Committee in due course.

The Internet, social network sites, letters, phones, SMS messages are all important and you should always ask for as many players contact details as possible (as well as which is the players preferred contact method). But there is no substitute for face-to-face meetings.

## ► WHAT ABOUT THE FEDERATION?

.....  
Whether or not you talk to the sports federation before you set up the association is up to you.

Realistically, sport is a small world and people are likely to know what you are doing. Letting the federation and leagues know what you are up to (possibly in the form of a bland letter) may help your future working relationship. However, be aware that the clubs and/or the federation may undermine your work.

If you expect trouble and animosity from the federation and clubs then you will want to wait until you have signed up a significant number of members before telling anyone. This way they will not be able to get to your prospective members first and convince them that there

is no need for a players association.

On the whole, it is probably best to have a chat with the federation about your intentions and ask what role they see the association could play. It is possible (though unlikely) that they may welcome a players association if you position it as something that will help sport in general (for example running their social welfare and education programmes).

## ► DECISION TIME

.....  
Once you've been round the players it is time to sit down and consider your options. It may help if you write down the answers to the following questions:

- Do the players want a players association?
- What do they hope to get out of the new association?
- How many players will join?
- Am I the best person to head up the association?
- Can I afford to work for no money for the next year to set up a players association?

Try to get a colleague or player to give you a second opinion.



► **NAME, LOGO AND INTERNET ADDRESS**

.....  
Every players association needs a name. We have found that it is generally best to avoid the word “union” in any title. “Players association” has more positive connotations amongst players and clubs.

The association will normally be known by its initials and you should make sure these scan well. Before deciding upon the name, you should check what other organisations share your preferred initials. This can be easily done through an Internet search.

As soon as you have decided upon the name then try to register the appropriate Internet domain name.

You will also want to have a logo as well, though this will often cost money to design and may not be the best use of funds in the first year. However, having a logo does make you look more professional.

Think about trade marking the name and logo of your new association. Again, this will cost money and could be left till later on when you enter into your first commercial negotiations. You should be able to make money by licensing the logo out to any business partners.

► **ESTABLISH AN EXECUTIVE COMMITTEE**

.....  
The Executive Committee is the body that oversees the players association and will be responsible for its policy, direction and governance. This is the most important committee of the association and it is essential that you get it right.

We would suggest that the Executive Committee has seven members as this gives a good balance between being large enough to cover the range of members whilst not being too big to make efficient decisions.

Some national laws require all companies to have certain positions within the executive committee such as treasurer and company secretary. Ask your lawyer if there are any special requirements you need to be aware of.

The selection of committee members is crucial and in your first year you will need to select them yourself. This is where the time you’ve already spent talking to players and friendly lawyers and accountants comes into effect.

The Chairman is the most important person on the committee. They will be the public face of the association (and your boss). Most players associations have a current player as their chairman, though there are benefits in having a high profile, recently retired player as your first chairman.

Good corporate governance dictates that the Chairman and Chief Executive should be different people - but it is essential that you can both work together effectively.

Some associations like everyone on their executive committee to be either a player or former player. Others prefer to have a friendly lawyer and accountant as committee members. The benefit of the latter approach is that you get free legal and financial advice and they will also bring an outside perspective to the meetings, which can be helpful. However, this can be just as easily achieved by having them as Observers without a vote. Regardless of what you decide the majority of committee members need to be ex- or current players.

When considering the make up of the Committee ensure that the individuals chosen represent a good cross-section of the membership to show that the association covers all professional players. If there are a large number of overseas players in the league then you will benefit from having one on the committee. The members of the committee will be your ambassadors and so you need to make sure that they are reliable, conscientious and fully supportive of the ideals of the players association.

The first appointments do not need to be voted upon by the membership. Typically the initial committee will remain until the first Annual General Meeting when democratic elections should be held.

► **CONSTITUTION AND CORPORATE STATUS**

.....  
You need to decide what legal form the new players association will take.

This will depend upon the specific laws and company legislation in your country and you will need to take legal advice. The formal constitution will need to include the necessary definition as a trade union to enable the association to negotiate Collective Bargaining Agreements on behalf of the members.

Eventually, as the association progresses you may need to set up different companies to look after things like commercial enterprises, education training and benevolent funds.

Once you have decided the legal form of the new association you need to devise its constitution. You will need a lawyer to help, though this is fairly standard stuff. Try to stay politically neutral and speak to other players associations to see what they have done. Check with your lawyer but in general the constitution should include the following:

- Objectives and purposes of the association (including its definition as a trade union)
- Powers of the association
- Who can become a member
- Election of the committee
- What happens if the association is dissolved?

You will also need to open a bank account in the association’s name. It is generally good practice to require signatures from two different people for withdrawing money from this account.

Think of the Constitution and legal status of your association as the foundations of a house. If you spend the time getting them right you should never need to worry about them again.

### ► PART OF THE UNION?

.....  
There may be benefit in forming a partnership with a larger trade union that looks after general workers.

From the experiences of players associations, one of the most important factors to consider is how you get on with the person who would be your liaison within the union. It is also important to consider whether you would be able to maintain your autonomy.

Since 1991, the Swedish Ice Hockey Players Association (SICO) has maintained a close co-operation with The Salaried Employees' UNIONEN, a major Swedish trade union. This co-operation gives SICO legal help in any conflicts between its players and clubs. As a result of this support SICO negotiated a Collective Bargaining Agreement in 1999.

Regardless of what you decide there is no doubt that a trade union can offer lots of advice and may even be able to help with some of your costs and legal issues.

Quite a few associations have found that, initially, there is benefit in being part of a bigger union but that once it is established it is better to stand on its own. Much depends upon the union, who you are dealing with and the legislation in your country.

It is also worth considering whether you would like to form a partnership (or maybe just share an office) with any other players associations in your country.

The Danske Elitesportsudøveres Forening (DEF) brings together the Danish players associations for badminton, basketball, football, handball and ice hockey as well as looking after athletes from those sports that do not have their own association. DEF is an independent association that is based on the idea that cooperation and dialogue within the athletic community will create the best working conditions for athletes and thereby create the best results for Danish sports. UNI europa / EURO-MEI can help to find the right union contact for your country.

### ► HONORARY ADVISERS

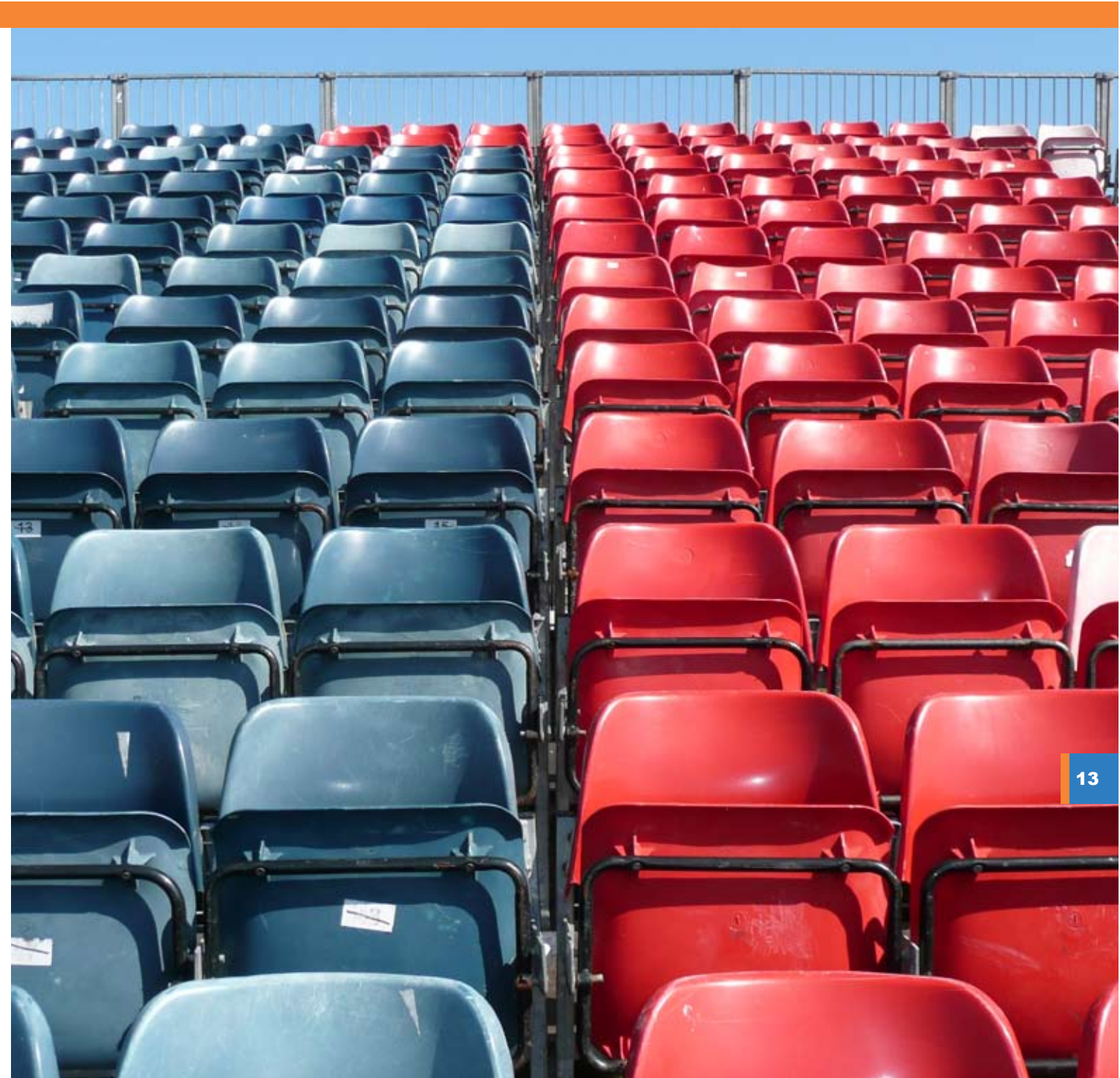
.....  
Sport is sexy and there are no shortage of people wanting to be involved with sport and its players. A players association can take advantage of this by creating some honorary vice presidents and/or an advisory committee.

These would be high profile people with considerable expertise and/or income from other walks of life who are happy to advise and support the association in an honorary capacity. It makes sense to choose these people to fill in any gaps in your own knowledge. For example, if you are not good with business planning then bring in a business person to advise you.

Dealing with volunteers brings its own issues and it is important to be clear about what is expected from both parties. A written informal "job description" often helps.

### ► BUSINESS PLAN

.....  
It is a good idea to draw up a short business plan for the first year and also the first three years. This need not be too detailed but it is good to think about how the finances of the new association might work and what you can realistically hope to achieve in the first few years.



► **SIGN ON THE DOTTED LINE**

.....  
This is the big one. A players association without members is nothing so you need to get as many members signed up as possible. You should aim for 100% of current playing members.

Start with the national team and then move on to where you and your executive committee have the best contacts. It will be easier for you to meet players when they are all together at their clubs. Speak to your contacts and ask them to set up a meeting with the team after training. Depending on the club they may let you into the training ground or you may have to meet outside the grounds in a nearby café. It is best to ask the coach what he or she would prefer - though some will not want to know about the meeting.

The Danish Handball Players Association sets up its player meetings at training tournaments. This enables them to meet eight clubs in a day - saving both time and money.

► **WHAT TO DO IF CLUBS WON'T LET YOU MEET WITH PLAYERS**

.....  
If clubs refuse to let you meet with the players then this can present problems. However, in the long term it is likely to be helpful - you can tell the players that the clubs are scared of a new association because they know they will have to improve players pay and conditions.

From our experience the best way around a club blocking access is to ask the players to organise a meeting themselves and then invite you to present to them. This will require at least one player at the club who wants to help start the players association.

Remember that clubs cannot control who players meet with when they are not at work.

► **SELL, SELL, SELL**

.....  
Once you get in front of the team you've got five minutes to sell your players association to its newest members. Think about what you are going to say.

Focus on the players concerns that were previously identified, work out what you can offer everyone in the first year and then build up to three years time. It probably helps if you've got a friend in the audience who will be the first to sign up.

Work out if you can offer members any goodies in return for their subscriptions. For example, maybe you could negotiate with suppliers to get a cheap deal on health insurance or a discount on training equipment. Experience has shown that whilst players probably need insurance, they are more excited by free trainers or kit.

However, you do not need free goodies, especially if you have a strong enough cause. For example, at least one players association has started by promising that it will deliver a holiday for players on Christmas Day.

Once the association has developed you should have a little handbook saying what you offer but in the first year a sheet of printed paper will suffice with details of the association's structure, what the association wants and any test cases you are supporting.

What is essential is that you have a membership application form that players can sign then and there. Get your lawyer to check over the form as national laws will vary. As a minimum the form needs to include space for the player's name and contact details - especially email and mobile numbers - and his or her application to join the players association.

You should also consider putting a section on the membership form about image rights. This is a complicated area but if you can persuade members to hand over their collective image rights to the players association then you will be in a very strong position. Image rights are covered in more detail later on but it is likely that players' employment contracts grant their collective image rights to the club or league.

You will need to charge a membership fee (subscriptions). These need to be kept small to encourage new members but they are likely to be your main source of income for the first year. Work out what is reasonable and how much you are likely to need to cover expenses.

Collecting subscriptions is hard work and expensive - encourage everyone to set up direct debits (paying regular amounts electronically from their bank account each month). It is possible (but unlikely) that some clubs may agree to deduct players association subscriptions directly from players salaries.

► **THE LAUNCH PARTY**

.....  
At some point you need to tell the world that the new association is now active.

The launch party can either be before you sign up members or after depending upon how the new association will be treated by the sporting establishment.

As a rule it's good to hold a press conference with your high profile players. This helps to show that you are serious and publicity is important for your business profile. It is also an opportunity to say what you want to achieve and publicly invite the clubs and federation to work with you.

► **COMMUNICATION**

.....  
It is never enough just to work for the players - you need to let them know that you are working for them. As a bare minimum you must meet each club at least once a season but this needs to be part of a wider communication plan.

Some associations have found it helpful to carry out yearly questionnaires on players' views on their sport. This works on many levels:

- The results of the questionnaire can make a good media story
- It reminds the members that you are working for them
- You will know exactly what members think when negotiating

It is important to have an Internet presence so that people know you exist and are serious. Keep it simple when it comes to your website. A simple home page with up-to-date contact details (including a mobile



phone number) is probably all you need in the first year. Good sites need regular updating and this takes time and money.

Think about getting a second mobile phone just for work. This will help with accounts and more importantly will help with your work-life balance.

A regular newsletter is probably a good idea but costs money and takes time to produce. Whilst it is unlikely to be read by the players it does provide a platform for your views and reminds members that you exist.

Perhaps it is better and cheaper to do regular email bulletins to all your members. Text messaging (SMS) on mobile phones is also a great and cheap way to keep in contact with members on urgent subjects - but don't overdo it.

### ► **FINALLY, REMEMBER TO KEEP YOUR EXECUTIVE COMMITTEE HAPPY**

.....  
You need to make sure that you are doing what they want and that you are consulting them regularly. More than one chief executive has lost his job when the players have decided that he is not working for their best interests.



## 05 > **SHOW ME THE MONEY** PLANNING FOR THE FUTURE

### ► **INTRODUCTION**

.....  
It is perhaps a bit of a cliché but the old adage “Money makes the world go round” rings true for any players association. The larger your income the more you can invest in the development of your association and the expansion of services to your members.

### ► **THE LONG AND THE SHORT TERMS**

.....  
The players association is an integral part of the fabric of your sport. The long term objective is to be recognised as a major stakeholder in your sport and to take a share in the overall income generated by the sport. There are various detailed contractual and constitutional ways you can explore to cement this relationship with your governing body, including long-term funding agreements, memoranda of understanding, joint ownership of programmes or collective bargaining. However, some of these can involve many years of development and negotiation.

The key for the development of a strong and viable players association in the short to medium term is to develop your own incomes, allowing you to be self-sufficient and to expand your own resources, staff and infrastructure. Additionally, building up reserves is a key consideration, as you may need to raid your “war chest” in the future to allow you to grow to the next level or to make an investment in your growth.

### ► **UNDERSTAND YOUR ASSETS**

.....  
Remember that the players association should be at the centre of the sport. After all, the players are the sport. Your members are the reason the sport exists, they provide the product and the entertainment. Your key asset is your membership, both past and present, and their:

- Image
- Appearances
- Content
- Endorsement
- Achievements

Whilst clubs, teams and the individuals themselves also “own” certain rights above, as a players association you are in position to represent the collective.

Your approach to generating income needs to focus on how you make best use of your relationship with your members. As you build affinity with them they will be increasingly willing to assist you in developing incomes for the good of the association.

The key to developing your assets and converting them into revenue is to appreciate that brands, corporates, fans and the sport itself want to engage with and have access to the players.

You have the flexibility to be innovative and creative with your concepts. You will have a fairly free reign to pursue your commercial ideas. The simple answer is that any idea that is legal and can help generate income for the benefit of your members is generally a good one.

## ► SOURCES OF INCOME

Players associations typically have various sources of income. It is worth pursuing several of the areas outlined below as it will help to spread your exposure and prevent becoming reliant on just one or two sources of income.

### Governing Bodies and Leagues

It is likely your governing body and league will be the wealthiest stakeholder in your sport. It may be a long and complicated negotiation process to establish your position as “shareholder” in the game’s commercial incomes but it is a key long-term objective.

As a players association, given your collective position, you will often be better placed to deliver a range of services to your members, including healthcare, insurance, education, personal development and benevolent services. The negotiation of funding streams from the governing body to your association to deliver programmes such as these is a good starting point. The game as a whole has an “employer” obligation to fund many of these programmes.

## ► BROADCAST MONIES

This area is intimately linked to your negotiations with your governing body / leagues and can be a very hard nut to crack as they will not want to be “giving away” a percentage of one of their biggest sources of income. However, remember that without the players there is no product to sell to broadcasters. The negotiation process will need to develop an understanding on both sides of the value of your members’ collective “image rights” during their sporting activity. However, if you can reach this point a share of broadcast monies can deliver consistent, long-term revenues that are built on sound stakeholder principals.

In the short term it is often worth developing direct relationships with the broadcasters who may well be interested in supporting you and keeping your members on side. You may find you can negotiate separate partnerships with them to deliver unique content that can then be added into the bigger negotiations at a later date. In addition, you might consider offering them sponsorship or “free” broadcast rights to some of your events, giving your other sponsors and partners exposure.

Be aware that as technology develops Internet rights are likely to become more important than television rights.

## ► YOUR OWN EVENTS

Developing your own events is a good way of developing your incomes. Well-run events do not need to be complex but allow you to use your key asset, your members. Events themselves typically generate three main sources of income:

- Ticket sales
- Sponsorship
- Fund-raising

You are in a strong position to bargain and negotiate with event suppliers and venues because sporting events deliver a much higher profile than most other commercial events. Events to consider are:

- Annual dinners / awards dinners
- Corporate dinners / lunches / seminars
- Golf events
- Exhibition matches / games / events with current and former members - masters, legends
- Conferences
- Fund-raising events
- Tickets and hospitality at events with your members

## ► PLAYER AWARDS

Your position as the collective representative of your members puts you in the pole position to “own” awards across your membership. Getting the members themselves to recognise the achievements of their peers makes awards even more valuable. You should consider:

- Monthly player awards
- Annual player awards
- Fan and player voting
- Statistical awards
- Members’ hall of fame

All of the above are ideal sponsorship properties, great for developing awareness and exposure to your association and for recognising the success of your members.

## ► THE SPORT’S SPONSORS

If a brand has made the decision to sponsor your sport, there may well be many reasons for it, but without doubt your members will have been a significant part of the appeal. Your members are the face of the sport, its personality, and they can and should be part of the sport’s sponsorship agreements. It would be very difficult to see any sport sponsorship that wasn’t in some way linked to the sportsmen or women taking part.

You should ensure that if your members are part of sponsorship deals that they are receiving suitable remuneration. This is in recognition for the benefit the sponsor is deriving from association with the players and any extra work that it causes the players, eg photo shoots and appearances. This compensation should be either by way of separate payment or specifically agreed in employment contracts.

If there is no appropriate remuneration for use of player’s image rights in sponsorship contracts then it is



good to make sure that they are not prevented from doing individual deals with other companies (including the sponsor's competitors).

The game's sponsors should be your first point of call for sponsorship of your own initiatives. You could also raise income by selling them any rights you own that can complement their engagement with the sport. It is generally acceptable for a players association to take a percentage fee for negotiating deals for your members.

### ► YOUR OWN SPONSORS AND PARTNERS

Creating your own sponsorship and commercial partners can generate strong incomes for your association. Remember that as a players association you offer more to a brand than just the simple principals of brand awareness. You have a corporate social responsibility positioning, in that you are set up for the protection of your members' rights and interests and that you are dedicated to the long-term success of the sport on which your members depend.

You have the flexibility to create sponsorship and commercial partnerships that can be tailored to meet different sponsor and business partner's objectives. Access to your association and its members can deliver great brand endorsement for a consumer brand or a unique business development experience for a corporate brand. Sponsorship of your association as a whole is a valuable property to the right brand and you should aim to source at least one "senior" sponsor.

Many of the providers of core services to your members, everything from insurance and healthcare to cars and holidays, will be open to giving you discount rates and special deals so that they get access to your high profile members.



It is also worth considering contra- or value-in-kind relationships. Your lead sponsor could be an office provider. They could receive a host of benefits from you and your members and in return give you office space free of charge. Be open-minded about how to structure your commercial relationships.

### ► CONTENT AND MEDIA

There are a range of content ideas that you can consider, all based on the principal of "unique" access to your members. If you control the content process, interviews and editorial your members will be more comfortable giving you access and their insight can be really compelling. Creating your own platforms, websites, magazines and programmes is an expensive and risky business. In the short term it is best to look at third-party relationships, where you provide the content (retaining 100% approval of what goes into the public domain) but someone else provides the platform. Areas to consider are:

- Lifestyle / exclusive interviews
- Behind the scenes
- Blogs / diaries
- Opinion / debate
- Coaching and technical
- Unique moments - victories, one-off events

### ► COMMUNITY, CHARITY AND FUND-RAISING

There are two key areas to consider:

1. The development of a benevolent fund that can support members who have fallen on hard times, are suffering from ill-health or have personal problems
2. The development of a community fund that can act as the focus for your member's activity in areas such as community work, charity, good causes, coaching, education and employment.

The above areas can become valuable assets, creating incomes that can be of real benefit to your members and the wider community. As you grow the profile of your community and charitable activity, so you grow the story you can tell and attract fund-raising and sponsorship income. At events you can consider auctions, raffles, silent auctions and other more quirky ideas and you have access to some great prizes and items:

- Appearances with your members
- Memorabilia
- Items donated from corporate contacts and association supporters
- Access to sporting events

### ► KEEP IT SIMPLE

The key to developing your commercial incomes is to walk before you run. Think all concepts through, weighing up the potential up-side alongside the risks and drain on resources. There are several quick-win ideas to get yourself started and many people who will be prepared to help you, just ask!

### ▶ LET'S TALK

In most professional sports in Europe there are likely to be two (or three) main stakeholders that you need to engage with:

- ▶ Clubs and leagues
- ▶ Sports federations
- ▶ Government

Players associations should aim to have regular meetings with all of these bodies. When seeking a meeting, follow up any conversation in writing and keep a copy of any response.

There are often likely to be tensions between leagues and federations or federations and governments. This can make it easier for you to enter into negotiations with one of the parties by playing them off against the others.

If you have difficulty meeting with leagues or federations then ask the government to assist. Government may provide public funds to the federations and should be able to use this for leverage.

### ▶ OFFICIAL RECOGNITION

Whilst there may be benefits to being formally recognised by the stakeholders in your sport, the legitimacy of the players association is not dependent upon this recognition. It is more important to be set up as a proper trade union that is able to collectively negotiate on behalf of the member players. If you have a large percentage of players from the top leagues in membership then you have become officially recognised by the most important stakeholder in the game - the players.

When it comes to formalised Social Dialogue your national government may have to check that the association is truly representative of players. But apart from this it is not worth getting too worried about any official recognition from the federation or leagues.

One of the benefits of targeting your national team as members of the players association is that this gives you a great way of talking to the sports federation. On the whole, federations will employ the national team (for at least some of the time) and they will want to keep them happy. Provided all the national team players have asked the players association to negotiate for them collectively then this should give you a good chance to develop a relationship with the federation. But, always remember that you are working for the players.

Talk to the lead sponsors of the national team and see if you can negotiate extra player appearances in return for money to the team/players association.

### ▶ KEY AREAS

If you've already done a survey of your players' concerns then this should form the basis of your negotiations with clubs and/or federations. If not then the following areas are a good starting point:

- ▶ Remuneration, terms and conditions, standard contracts
- ▶ Freedom of movement
- ▶ Playing schedules
- ▶ Injury cover
- ▶ Anti-doping
- ▶ Health and safety
- ▶ Retirement and retraining
- ▶ Image rights

Some of these areas are likely to be more contentious than others. It can be a good idea to start with the areas where you are more likely to reach agreement.

Another good, if more confrontational, starting point for negotiations is to insist that professional players have the same rights as any other employee or citizen and that before you ask the courts to enforce this you would like to meet with the league / clubs.

### ▶ INNOVATE

Don't be afraid to come up with new ideas. Players associations can be in an excellent position to drive forward new initiatives such as health promotion campaigns or anti-racism drives. There will often be government funding available for the running of these sorts of programmes.

Once the leagues and federations see the players association driving initiatives they will often want to join in (and take over).



## ► SOCIAL DIALOGUE

.....  
Once you sit down with the clubs to discuss issues then you are having Social Dialogue.

A long term goal for any players association is likely to be a Collective Bargaining Agreement covering a standard employment contract. This can be done on its own or through a structured Social Dialogue route. How you approach a Collective Bargaining Agreement will depend upon the laws, regulations and customs in your country.

It is not unknown for leagues to deny that they are an association of employers. This can present problems but it usually just requires extra work on your behalf to show that they are (or at least capable of becoming) an employers' association and it is seldom insurmountable. Depending upon the legal situation in your country you may need to take advice on this.

If it is applicable you may wish to ask your government to facilitate formal Social Dialogue between the clubs and players associations.

Technically speaking, Social Dialogue will be between the employers and the employees but in sport it is often wise to include the sports federation as an observer. It is good to ask for a skilled, neutral facilitator who has the respect of both sides.

The benefit of formal Social Dialogue (or indeed a Collective Bargaining Agreement) is that it allows the two parties to exclude themselves from certain rules. For example, the European Working Time Directive allows all European workers at least 20 days holiday each year in addition to one day a week off work. Depending upon local laws, the players association could agree not to enforce this right in return for an easement in the scheduling of games and tournaments.

When you reach the stage of formal Social Dialogue there are a number of organisations and people who will be able to help. In sport, FIFPro are the only players association to be recognised as a formal Social Dialogue partner by the European Commission. UNI europa / EURO-MEI also have a great deal of experience in setting up and delivering Social Dialogue in many different sectors including the entertainment sector.



There are many ways to get what you want for your members and the most skilful negotiators will often avoid fights - however in the course of the development of almost every players association there comes a point where it is necessary to take a stand.

Once negotiations have reached an impasse, or if the clubs refuse to negotiate, then there are a number of ways to respond.

**► A LEGAL TEST CASE**

.....  
No one is above the law, and this includes sports organisations.

Supporting one of your members to take a legal case to the national (and European) courts is a great way of protecting members' rights. It shows the clubs that you mean business and also shows the members that you are working for them. A court case can also provide a high profile media story.

You will need to take extensive legal advice before proceeding and it is important that you only provide funding for a case where you have a good chance of winning. The legal situation in your country will be important to the success of any case but all citizens have the right to take cases to the European courts (though this can take a long time). Where there is no special sports law then players should have the same rights as every other citizen and have the same employment rights as any other worker.

It is possible to significantly reduce the cost of court cases. Some home insurance policies will include legal expenses and these can be used by the player to cover their costs. You may be able to find a lawyer who will work on a 'no win, no fee' basis. Or, if a player has lost their job and has limited finances then there may be 'legal aid' available from the state.

On the negative side, legal cases can take a long time to reach court. It is also likely that the player could suffer further discrimination whilst waiting for the case to come to court.

On the positive side, a judge could find in the player's favour and effectively order the sports federation to change its rules or even for it to negotiate with the players association and write new rules (Social Dialogue).

**► INDUSTRIAL ACTION**

.....  
There are different types of industrial action that players can take. It can range from a complete withdrawal of labour to players wearing a ribbon in support of the association.

As a general rule, avoid putting your members in a situation where strike action is likely to cost them money or endanger their jobs. Remember, in many situations a significant percentage of players will not be especially interested in the issue but just going along with their team mates.



Try to be creative and targeted in the strike action you take. Work out where your opponents' weaknesses lie and specifically target these. For example, if a sport's income comes mainly from television then refuse to give post-match interviews. If a sponsor funds the sport then you could threaten to boycott their products. Also don't be afraid to talk directly to the TV Company or sponsors - they are likely to want to avoid a strike and may put pressure on the clubs to resolve the issue.

The German Basketball Player's Association SP.IN recently asked players from both teams take a time penalty at the start of a league match. This had the benefit of making a statement about its labour dispute whilst not affecting the outcome of the match or the income of players.

The ultimate industrial action is the total withdrawal of labour. This should be seen as the last resort as it will cost your players money and possibly their jobs. The worst case scenario would be that your players broke the strike leaving the players association looking powerless, unsupported and in need of a change of leadership.

The laws affecting industrial action vary from country to country and you will need to take serious legal advice before doing anything.

In the United Kingdom the laws require unions to carry out a ballot of all its members to see if they agree with any proposal for a strike. The Professional Footballers Association used this to great effect in 2001 and was able to show that 99% of their members supported the industrial action and would not play matches in front of TV cameras.

### ► POLITICAL LOBBYING

.....  
Depending upon the country it is likely that the Minister for Sport may be able to influence the sports federation. Even where this is likely to be unsuccessful there is probably benefit in ensuring that the government knows why the players are upset and what they want changed.

### ► MEDIA AND PUBLIC RELATIONS

.....  
No matter what course of action you choose to take it will be necessary to plan the media campaign. It is important that you make sure the players' voices are heard and the reasons for their actions are clearly communicated.

Sometimes, just telling the media that you are going to go to court or going to poll the players on strike action will bring the clubs to the negotiating table.

Just as there are benefits to players coming together to form an association, so too are there benefits in players associations coming together to form a federation of associations.

Set up regular meetings with any other players associations in your country. These can be helpful in terms of sharing information and forming a unified position on cross-sport issues such as anti-doping rules. It is up to the various associations how much resources they want to invest in any federation of players associations but even yearly meetings will bring benefits.

## 08 > PLAYERS ASSOCIATIONS OF THE WORLD UNITE!

Just as the different sports federations come together as European and International Federations so players associations can create international associations for their sport. Such a union can provide a helpful counterbalance to the power of the federations. Travel costs and accommodation are expensive so try to organise meetings around major international or European championships when everyone will already be there.

Finally EU Athletes provides a voice for all players associations from different sports across Europe. EU Athletes has been effective in engaging with the European Commission to ensure that players' rights are protected. EU Athletes is working with UNI europa / EURO-MEI to establish European Social Dialogue in the Sports Sector - something that will go a long way to protecting players' rights across Europe.

**EU Athletes is a members association open to all players associations in Europe - so join us now!**





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