

ATHLETE ORGANIZATIONS – PLAYER ASSOCIATIONS AND UNIONS

The Women's Sports Foundation is often asked about its position with regard to the need for players' associations or collective bargaining unions in professional women's sports. The Foundation neither advocates nor discourages the development of such organizations but does recognize the functionality of such groups.

PLAYERS' ASSOCIATIONS OR TRADE ASSOCIATIONS CAN SERVE VALUABLE EDUCATION AND INFORMATION-SHARING FUNCTIONS.

Being a professional athlete is a career. It's important for every businesswoman to be "a student of her game" – the business of professional sports. This education can be accomplished by reading trade journals and similar materials in print. However, attending an annual meeting of similarly situated professionals, sharing up-to-date information on critical issues in professional sports, and hearing from the experts serves an important function. These trade or professional groups do not engage in collective bargaining but may be involved in lobbying or other advocacy functions to keep their business strong.

PLAYERS' UNIONS OR COLLECTIVE BARGAINING UNITS SERVE A DIFFERENT AND MORE TECHNICAL FUNCTION.

Typically, such organizations act on behalf of all players in negotiating compensation and benefit packages for all players within a professional sports league. Collective bargaining unions are typically organized for the purpose of achieving equitable compensation and benefit systems for members whenever issues between management and players cannot be amicably resolved via the requests of individuals or teams.

The Foundation does encourage female professional athletes to carefully educate themselves on the pros and cons of players' associations and trade unions prior to initiating the establishment of or participating in such organizations. Both types of organizations require a commitment to become an active participant in the governance and operation of such groups. The Foundation advocates careful due diligence via the adoption of a disciplined process by which such opportunities should be explored.

The Foundation recommends that each professional athlete take "personal responsibility" for the selection of representative organizations or collective bargaining structures. These are not matters to be left to the purview of player agents, attorneys or family members, although such advisors may be qualified to provide valuable information, guidance and advice. The Foundation further recommends the following procedural steps to determine the advisability of any players' association or union:

- 1. LEADERSHIP INITIATIVE.** A small group of players must recognize the need for due diligence and demonstrate the personal initiative to call and plan meetings until such time as a representative "leadership committee" elected by all players can be put in place.
- 2. OBJECTIVE FACILITATION/ASSISTANCE.** If players are inexperienced in the organization of professional players associations, they should obtain assistance in facilitating meetings and obtaining expert advice. Such assistance should be rendered by objective volunteer or paid professionals with no vested interest in individual players or group representation (i.e., retired heads of players' associations, former professional athletes who have participated in union negotiations, volunteer labor attorneys, non-profit organizations that exist for this purpose, etc.).

3. DETERMINATION OF COMMON PURPOSE/NEED. Players should gather within their league or competition structure to discuss their needs, issues and concerns. There should be a clear understanding among all players of common issues. These needs, issues and concerns should be produced in the form of a written document, in language agreed upon by the majority and with points prioritized in order of importance. This will facilitate the “request for proposal” (RFP) process (see point 11 below) if collective bargaining representatives need to be selected and evaluated as potential representatives. If possible, a “leadership committee” should be elected at this first meeting (i.e., one representative from each team).

4. LEADERSHIP COMMITTEE. The function of a players’ “leadership committee” should be to

- (a) call all meetings
- (b) establish the agenda for all meetings
- (c) determine the rules of order (i.e., Roberts’ Rules) which shall govern the conduct of such meetings
- (d) select facilitators and expert advisors to assist at such meetings
- (e) assemble educational materials and determine presentations on topics to be discussed.

5. CONDUCT OF MEETINGS. All meetings of players should be conducted in a formal business manner with

- (a) the distribution of an agenda and materials prior to the meeting
- (b) a chairperson designated to conduct the meeting
- (c) adherence to Roberts’ Rules of Order
- (d) the recording of minutes.

6. CONSIDERATION OF ORGANIZATIONAL OPTIONS. Players should obtain objective legal advice and educational information regarding organizational options. It is important to have a clear understanding of the ways in which they can act as a group, the pros and cons of various types of groups (trade associations that provide information and gather players for meetings vs. unions that collectively bargain, etc.), and/or the appropriateness of legal action (i.e., whether players can challenge the structure of any league that determines their compensation) given the existing circumstances of their sport.

7. TYPE OF REPRESENTATION DESIRED. With regard to hiring individuals or groups to represent them for collective bargaining purposes, players must determine

- (a) the decision-making power they wish to retain
- (b) the desired length of such a relationship
- (c) what they can afford to pay and the various compensation mechanisms available to them
- (d) how they will research the interest, trustworthiness, expertise and other capabilities of prospective representatives.

8. THE DECISION TO ORGANIZE. After becoming fully educated on all issues, organizational options, and representation preferences, all players should vote on whether to establish a formal players' organization and the type of organization(s) they wish to establish.

PLAYERS' ASSOCIATION

9. PLAYERS' ASSOCIATION. If the establishment of a players' association is desired, the "leadership committee" should be charged with the responsibility of selecting an attorney to draw up legal papers, proposed membership and proposed governance documents (bylaws and rules of structure and function).

10. FOUNDERS' MEETING. The "leadership committee" should call a meeting of all players for the purpose of establishing the organization and conducting its initial meeting. Collective Bargaining Union.

11. THE "RFP" PROCESS. If the establishment of collective bargaining union is desired, the "leadership committee" should be charged with the responsibility for

- (a) developing and issuing a "request for proposals" (RFP) from individuals or groups that desire to be hired to represent the players
- (b) evaluating all proposals submitted
- (c) interviewing finalists and
- (d) determining 2-3 proposals to be presented to the players for a final vote.

12. PLAYERS' MEETING/DECISION ON REPRESENTATION. The "leadership committee" should call a players' meeting. The process by which finalists were selected should be reviewed. The leadership committee should make recommendations on the criteria each player should consider in making her representation decision. Finalists should each make a time-limited formal presentation to the players. Following such presentations, the players should discuss the pros and cons of each candidate and vote at that meeting or within a specified time period for the candidate of their choice.

13. WISE DIRECTION OF BARGAINING REPRESENTATIVES. Once a collective bargaining representative is determined, the leadership committee must remain actively involved and all players should be kept informed of bargaining activities.

SUMMARY

The professional female athlete is a businesswoman. Being successful at this business requires personal initiative, a commitment to self-education, performance of due diligence on all business matters, a high degree of professionalism and expert advice and counsel in addition to a commitment to training and competition. The professional career of an athlete is so short-lived that she cannot afford to make many mistakes. Neither can she afford to totally relegate important business decisions to someone else. One element of the business of being a professional athlete is making decisions related to participating in players' associations or collective bargaining unions. Those decisions should be made only after a careful and exacting consideration of options and alternatives.