



► ILO Technical Brief

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Professional athletes and the fundamental principles and rights at work

► 1. Introduction

“Sport is an important means to realize health, well-being, education, development, peace, and decent work, and it is a pursuit enjoyed by athletes worldwide. It is an important economic activity with the capacity to promote full, productive and freely chosen employment, as well as empowerment, especially for young women and men.”¹

Professional athletes, in addition to being celebrated competitors and symbols of national/local pride and identity, are also workers in the world of sports.² The world of sports faces its own particular decent work challenges. This technical brief analyses the particular risks encountered by professional athletes in relation to the International Labour Organization (ILO)’s fundamental principles and rights at work. It outlines how the fundamental principles and rights at work and related Conventions and Recommendations can provide guidance on mitigating these risks.

The working conditions of athletes vary across regions and sports disciplines and between team and individual sports, as well as across gender lines. Despite this diversity, many of the risks and challenges faced by professional athletes are shared. By respecting and promoting the fundamental principles and rights at work, sports organizations can identify risks and implement measures to ensure decent working conditions for athletes.

In addition to international labour standards, this brief will also examine good practices in the sports sector for addressing these issues. These practices may encompass social dialogue; workplace policies; preventive measures such as occupational safety and health (OSH) provisions; skills development; reporting; complaint and enforcement mechanisms; social protection measures; legal assistance programmes; and psychological support services.

There is currently no universal definition of a “professional athlete”; the status of athletes as either amateurs or professionals is complex and can lead to various interpretations under labour, civil and sports law.³ For the purposes of this brief, a professional athlete is defined as “an athlete who gains income through competitive sports and whose activities are controlled by a sports organization, such as a club or federation”.⁴ This definition includes “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

¹ ILO, “[Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus](#)”, GDFWS/2020/7, 2020, para 1.

² ILO, “Decent Work in the World of Sport: Issues Paper for Discussion at the Global Dialogue Forum on Decent Work in the World of Sport”, GDFWS/2020, 2020, 1.

³ Frédéric Buy et al., *Droit du Sport*, seventh edition (LGDJ, 2023), 331–405.

⁴ ILO, “Decent Work in the World of Sport”, 1.

income”.⁵ The brief does not cover purely recreational players, nor athletes competing in the framework of education and training institutions or the military.⁶

► 2. The ILO and the world of sports

In January 2020, the ILO Global Dialogue Forum on Decent Work in the World of Sport adopted Points of Consensus, which recognized that “[a]ll workers, including athletes, regardless of the type of employment relationship, require, as a minimum, to be protected by the fundamental principles and rights at work”.⁷ Notably, “[g]overnments have the duty to adopt, implement and effectively enforce national laws and regulations to ensure that the fundamental principles and rights at work and ratified international labour Conventions protect and apply to all, in accordance with these Conventions”.⁸

The Points of Consensus further requested the International Labour Office to promote the ratification and effective implementation of international labour standards relevant to the sports sector, taking into account the changing patterns of the world of work, the needs of workers and sustainable enterprises, as well as the respect, promotion and realization of the fundamental principles and rights at work, and to assess knowledge gaps and collect data on sports employment and athlete working conditions to inform policy decisions, among other things. This technical brief follows up these Points of Consensus.

Following the Forum, the ILO has embarked on a number of activities to promote decent work for athletes, including by supporting the Global Labour Agreement in football between the World Leagues Forum (WLF) and FIFPRO, a global union of football players, as well as by supporting a campaign against fake football recruiting agents. It has also published a brief on COVID-19 and the sports sector.⁹

► 3. The role of the fundamental principles and rights at work in mitigating the risks faced by professional athletes

Professional athletes globally may face various labour challenges, including but not limited to obstacles to freedom of association; limitations on labour mobility and contractual freedom; unequal pay; exposure to racist, sexist and homophobic abuse and harassment; and a range of OSH risks. When athletes cross international borders in search of or with a view to obtaining employment in the sports sector, they may face additional challenges linked to their migration status and the often weak recruitment frameworks and practices covering migrant workers. While many of these risks are not exclusive to the sports sector, certain aspects of the industry present unique challenges.

⁵ ILO, “Decent Work in the World of Sport”, 1.

⁶ See United States, National Labor Relations Board, “Decision and Direction of Election Trustees of Dartmouth College and Service Employees International Union, Local 560 – Case 01-RC-325633. Notably, the debate on the employment status of college athletes persists, as exemplified by recent developments in the United States. Following a favourable ruling by a regional director of the National Labor Relations Board, the Dartmouth men’s basketball team voted to unionize in March 2024, becoming the first ever union for college athletes in the country.

⁷ ILO, “Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus”, para 4.

⁸ ILO, Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus, para. 27.

⁹ ILO, “COVID-19 and the Sports Sector”, ILO Sectoral Brief, February 2023.

For instance, in the eyes of the public, professional athletes are often perceived as “pursuing a pastime for which they are fortunate to be paid, rather than as professional workers”.¹⁰ This perception is at odds with the financial precarity faced by many professional athletes and the challenges of sustaining a livelihood in sports, particularly considering how short-lived and physically taxing the playing careers of many athletes can be. While a select group of elite athletes earn substantial salaries, many athletes are compensated below minimum wage and/or struggle to receive timely or complete payment.¹¹ In addition, issues related to the professional versus the amateur status of athletes can affect their compensation.

Athletes also encounter particular OSH challenges compared to workers in other sectors, including the risks of suffering severe, career-ending injuries and the difficulties of obtaining compensation during training or recovery periods following injuries.¹²

Additional complexity arises from the “sporting exception”, in that the sports sector is considered unique vis-à-vis other economic branches and allowed to operate somewhat autonomously from traditional labour and national legal frameworks.¹³ While this autonomy grants flexibility, it also exposes the sector to regulatory gaps and the risk of exploitation.¹⁴

The ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, sets out the constitutional obligations of ILO Member States with regard to the fundamental principles and rights at work, irrespective of their level of economic development. The Declaration commits Member States to respect, promote and realize principles and rights in five categories of “fundamental” Conventions, even if they have not ratified the Conventions in question, covering:¹⁵ (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; (d) the elimination of discrimination in respect of employment and occupation; and (e) a safe and healthy working environment.

3.1. Freedom of association and the effective recognition of the right to collective bargaining

3.1.1. Risks

In today's globalized and commercialized sports sector, in which sports governing bodies wield significant decision-making power, freedom of association and the effective recognition of the right to collective bargaining play a crucial role in ensuring that athletes have a voice in negotiating the essential conditions of their work and well-being.

Collective bargaining offers a constructive platform for addressing issues in the sports sector and achieving agreements that take into account both athletes' and employers' priorities and needs. However, despite the presence of successful

¹⁰ Mike McNamee et al., *Strengthening Athlete Power in Sport: Final Report* (Play the Game, 2023), 20.

¹¹ ILO, Decent Work in the World of Sport, 3; FIFPro, “Black Book Eastern Europe: The Problems Professional Footballers Encounter – Research” (2012); Philémon, “Football – Gabon: 82% of Players without Salary”, *Sport News Africa*, 8 July 2022; Australian Sports Foundation, “Impact of COVID-19 on Australian Athletes: Survey Report May 2021” (2021).

¹² Duane Rockerbie, “Safety versus Compensation for Professional Athletes Who Face the Prospect of Career-Ending Injuries: An Economic Risk Analysis”, *Journal of Risk and Financial Management* 16, No. 11 (2023), 481.

¹³ ILO, COVID-19 and the Sports Sector. The specific nature of the sector is highlighted, for example, in Article 165 of the 2009 Treaty on the Functioning of the European Union.

¹⁴ United Nations Office on Drugs and Crime, “[Crime, Corruption and Wrongdoing in the Transfer of Football Players and Other Athletes](#)”, 2022, 6.

¹⁵ The ten fundamental conventions are: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014; Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Occupational Safety and Health Convention, 1981 (No. 155); and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

players' associations, many professional athletes worldwide still face challenges in exercising these rights and collective bargaining agreements (CBAs) remain rare outside a few prominent team sports.¹⁶

Athlete associations and athletes' commissions are the most common forms of athlete representation.¹⁷ Athlete associations, akin to unions in other sectors, are independent member-based organizations that are capable of collective bargaining and negotiating employment terms. However, sports federations in some cases do not recognize athlete associations, and in some instances, players may encounter intimidation, harassment and even job loss if they attempt to organize or engage in union activities.¹⁸ For example, in a recent case involving netball in Australia, players were reportedly threatened with exclusion from the World Cup unless they agreed to sign a collective agreement with the sports federation.¹⁹

A survey conducted by an athletes' union across 48 countries in various sports in 2022 found that almost 60 per cent of players' associations experienced apparent instances of "anti-union conduct".²⁰ While the levels of discrimination against and harassment of union members are reportedly high in football, union avoidance strategies, such as non-recognition or preferential treatment for alternate bodies, are prevalent in individual sports.²¹

Athletes' commissions operate as advisory bodies in sports federations and Olympic committees, advocating for athletes' interests in decision-making processes.²² The International Olympic Committee's Athletes Commission, for example, adopted the Athletes' Rights and Responsibilities Declaration, which was developed in consultation with more than 4,200 athletes from 190 countries and 120 sports and disciplines.²³ While it is a common practice for many sports organizations to regulate athletes' representation in this way, such commissions are internal bodies that are financially dependent on the organizations to which they belong and are often constrained by their respective governance regulations.²⁴ Therefore, while athletes' commissions can play a beneficial role in addressing issues in the sector, they have also faced criticism for their lack of organizational independence and their limited capacity to influence substantive decision-making and effectively advocate for athletes on key issues.²⁵

As is the case for workers in other sectors, athletes who are independently contracted and/or informally employed often lack representation and/or face hurdles when trying to organize.²⁶ In many countries, labour organizations are only officially recognized if the majority of their members are formally employed, effectively excluding athletes engaged in sports in which individual contracting is the predominant mode of employment from organizing and collectively bargaining for better working conditions.²⁷

¹⁶ Andy Harvey, "Good Practices of Stakeholder Representation across Sectors", in McNamee et al., 42.

¹⁷ McNamee et al., 20.

¹⁸ Samindra Kunti, "Conference Showcased Many Examples of How Athletes Organise to Protect and Further Their Own Interests", *Play the Game News*, 4 October 2023.

¹⁹ Tracey Holmes, "Claims Emerge That Netball Australia Warned Players They Would Not Be Picked for the World Cup Unless New CPA Was Signed", *ABC News*, 18 June 2023.

²⁰ Matthew Graham, Gabriela Garton and Florian Yelin, "Right2Organise: Survey and Report. Effective Athlete Representation in Global Sport 2023" (World Players Association, 2023).

²¹ Graham, Garton and Yelin.

²² McNamee et al., 15.

²³ IOC, [Athletes' Rights and Responsibilities Declaration](#), 2018.

²⁴ McNamee et al., 16.

²⁵ Lucie Thibault, Lisa Kihl and Kathy Babiak, "Democratization and Governance in International Sport: Addressing Issues with Athlete Involvement in Organizational Policy", *International Journal of Sport Policy* 2, No.3 (2010), 275–302; Maarten van Bottenburg and Arnout Geeraert, "SAPIS Survey: Athlete Representatives Are Satisfied, but Challenges Remain", in McNamee et al.; Jean-Loup Chappelet, "The Unstoppable Rise of Athlete Power in the Olympic System", *Sport in Society* 23(5): 795–809; Graham, Garton and Yelin, 32.

²⁶ ILO, *Decent Work in the World of Sport*, 3.

²⁷ In the United States, for example, the National Labor Relations Act and the Fair Labor Standards Act apply only to employees.

Even when unionization may be possible, as could be the case for mixed martial arts (MMA) fighters in the United States following a 2014 National Labor Relations Board decision, challenges remain. In the case of MMA fighters, brief “earning windows”, short-term contracts, dependency on promoters and fear of reprisals from the sports organizing companies may inhibit the already complicated endeavour of organizing the fragmented international workforce of solitary prizefighters.²⁸

Lastly, it can also be difficult to organize representation for child athletes, since there are no structures in place to facilitate dialogue with legitimate representatives.²⁹

3.1.2. International labour standards

The voluntary negotiation of collective agreements is a fundamental aspect of freedom of association.³⁰ Employers and trade unions are expected to bargain in good faith and exert every effort to reach an agreement, while governments must ensure that legal frameworks guaranteeing freedom of association are in place and function properly.³¹ This right is set out in two ILO Conventions – 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).

Convention No. 87 establishes the right to freedom of association and protects workers’ “right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation” (Art. 2). Notably, the Committee on Freedom of Association (CFA) – a supervisory body established by the Governing Body of the ILO to ensure compliance with Conventions Nos. 87 and 98 – has consistently held that the right to organize does not depend on the existence of an employment relationship.³² Part-time and temporary workers should also enjoy the “basic rights of association and collective bargaining afforded to all workers”.³³ Thus, professional athletes who are not employees of a club or sports organization or who only engage in sports on a part-time basis can benefit from the right to organize.³⁴

In 2007, prompted by a complaint from Colombian football players, the CFA examined the application of Conventions Nos 87 and 98 to the unique circumstances of the sports sector.³⁵ Recognizing the “undeniable” status of professional football players as workers, the Committee affirmed their “right to associate in defence of their interests”.³⁶ Furthermore, it noted that “although football players’ may fall into a special category of independent worker”, their exclusion from the scope of the Colombian Substantive Labour Code did not affect their status as workers who must “be able to enjoy the right to form the organizations that they deem appropriate”.³⁷

²⁸ Genevieve F.E. Birren and Tyler J. Schmitt, “Mixed Martial Artists: Challenges to Unionization”, *Marquette Sports Law Review* 28, No.1 (2017): 85–106; Chad Dundas, “MMA Fighters Overwhelmingly Support Unionization, despite No Clear Path Forward”, *The Athletic*, 3 June 2020; Marc Raimondi, “Leslie Smith Launches Fighter-Driven Effort for UFC Athlete Union”, *MMA Fighting*, 13 February 2018.

²⁹ Mega-Sporting Events Platform for Human Rights, “Athletes’ Rights and Mega-Sporting Events”, Sporting Chance White Paper 4.2, Version 1 (IHRB, 2017), 5.

³⁰ ILO, “Q&As on Business and Collective Bargaining”, 1 February 2012.

³¹ ILO, “Q&As on Business and Collective Bargaining”.

³² ILO, *Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association*, sixth edition, 2018, para. 330.

³³ ILO, *Freedom of Association*, paras 1277–1278.

³⁴ ILO, *Freedom of Association*, para. 387. The CFA found that “the criterion for determining the persons covered by that right [...] [was] not based on the existence of an employment relationship, which [was] often non-existent, for example in the case of agricultural workers, self-employed workers in general or those who practise[d] liberal professions, who should nevertheless enjoy the right to organize”.

³⁵ ILO, 344th Report of the Committee on Freedom of Association, 2007, paras 838–340. The case concerned a complaint filed by the Colombian Association of Professional Football Players (ACOLFUTPRO) alleging that the Colombian Football Federation (COLFUTBOL), the Colombian Football Major League (DIMAYOR), and their member clubs were refusing to engage in collective bargaining, threatening not to hire association-affiliated players, and penalizing those who exercised their trade union rights.

³⁶ ILO, 344th Report of the Committee on Freedom of Association, para. 838.

³⁷ ILO, 344th Report of the Committee on Freedom of Association, para. 840.

Convention No. 87 further provides for the right of workers' organizations to freely decide on their constitutions and rules, elect their representatives and organize their administration, activities and programmes (Art. 3(1)). The provision thus safeguards the ability of athletes' associations to determine the modalities of their own functioning, free from external stipulations or coercion. Importantly, the freedom of workers to determine the structure and composition of their unions was affirmed by the CFA in 2011.³⁸

Convention No. 98 focuses on collective bargaining and the right of workers to be adequately protected "against acts of anti-union discrimination in respect of their employment" (Art. 1(1)). The Convention establishes that workers must be shielded from acts intended to make their employment contingent upon not joining or relinquishing membership in a trade union (Art. 1(2)(a)); in addition, they must be safeguarded from acts aimed at dismissing or otherwise prejudicing a worker due to union membership or participation in union activities outside of working hours or, with the employer's consent, within working hours (Art. 1(2)(b)).

In the context of the sports sector, this means that athletes must be protected from discrimination and other acts of anti-union conduct rooted in their affiliation with players' associations, such as threats to their selection or the non-renewal of their contracts. The CFA reaffirmed in 2011 that "[n]o one should be subjected to discrimination or prejudice with regard to employment because of legitimate trade union activities or membership, and the persons responsible for such acts should be punished".³⁹

Convention No. 98 further establishes that "[w]orkers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration" (Art. 2(1)). The Convention highlights that "acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference" (Art. 2(2)). This provision is significant in light of the common practice of sports organizations to regulate athlete representation through commissions and consultative committees (see section 3.1.1 above). Notably, the creation of such bodies does not per se violate the Convention, as long as their establishment does not weaken or undermine independent player associations.

3.1.3. Good practices

Good practices in the area of sports and freedom of association typically aim to ensure fair treatment, representation and respect for the right of all athletes to organize and collectively bargain. The establishment of independent players' associations or unions and their recognition by sports governing bodies, clubs and leagues are key in this regard.⁴⁰ Players' associations provide athletes with a collective voice and the bargaining power to negotiate a range of work/play conditions, including salaries, OSH risks and emerging issues such as data protection and the use of new technologies.⁴¹

Collective bargaining plays a crucial role in tackling new OSH risks. An illustrative example is the 2020 CBA between the National Football League (NFL) and the NFL Players Association (NFLPA), which includes provisions addressing concussion management protocols.⁴² Moreover, when the COVID-19 pandemic hit, the players' association negotiated an addendum covering COVID-19 protocols.⁴³

³⁸ ILO, 362nd Report of the Committee on Freedom of Association, 2011, para. 419.

³⁹ ILO, 362nd Report of the Committee on Freedom of Association, para. 1253.

⁴⁰ An example at the global level is the world footballers' association known as FIFPRO, which represents approximately 65,000 professional footballers through national player associations in more than 60 countries.

⁴¹ FIFPRO World Players' Union, "FIFPRO, Member Unions Commit to Create Centralised Player Data Management Platform", 10 July 2023.

⁴² NFL and NFLPA, "Collective Bargaining Agreement" (2020).

⁴³ Michael H LeRoy, "COVID-19 Protocols for NCAA Football and the NFL: Does Collective Bargaining Produce Safer Conditions for Players?", *Utah Law Review* 2021, No. 5 (2021): 1028–1077.

Through collective bargaining, players' unions have also significantly enhanced the earnings and conditions of women athletes (see also section 3.4.3 below). In 2020, the Women's National Basketball Players Association negotiated a CBA offering a 53 per cent pay raise, full pay during parental leave and unique benefits such as egg freezing.⁴⁴ Similarly, a 2023 memorandum of understanding between Cricket Australia (CA) and the Australian Cricketers' Association boosted women players' share of total revenue, raised payments to women cricketers by 66 per cent, increased minimum and average CA Women's contracts by 25 per cent, and improved parental leave benefits.⁴⁵ Meanwhile, the CBA concluded between the Australian Football League (AFL) and the AFL Players' Association in 2023 introduced a "world-leading" 12-month pregnancy policy beginning from six weeks before a player's due date.⁴⁶

The negotiation of global labour agreements (GLAs) plays an important role in addressing overarching labour concerns in specific sports. In 2022, the WLF and FIFPRO entered into the first GLA addressing the working conditions and rights of professional football players.⁴⁷ This ground-breaking agreement commits both parties to finding collective solutions to challenges in the industry, including employment standards, concussion management and measures against discrimination and racism both online and offline, as well as other forms of abuse. The GLA follows the fundamental principles and rights at work set out by the ILO and is in line with the Points of Consensus of the ILO Global Dialogue Forum on Decent Work in the World of Sport; it also provides that the ILO can be solicited for expert advice and support in the implementation of the agreement, the preparation of industry agreements or in other areas within its competence.

Creating permanent negotiation platforms can be beneficial for ongoing dialogue and progress. One such example is the European Union Social Dialogue Committee for Professional Football, fostering the continuous improvement of player protection standards in Europe. In July 2022, the representatives of employers' organizations met with the representatives of workers' organizations and discussed implementing minimum requirements for standard player contracts and national dispute resolution mechanisms in Romania, along with addressing issues such as overdue payments. Together, they devised an action plan to be executed within a specific time frame.⁴⁸ For the Paris 2024 Olympic and Paralympic Games, the French social partners, the organizing committee of the Games and other stakeholders developed the Social Charter Paris 2024, which set out social and labour principles for the events.

3.2. Forced labour

3.2.1. Risks

Forced or compulsory labour is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Forced Labour Convention, 1930 (No. 29), Art. 2(1)). Athletes can face risks related to forced labour in various ways but primarily when their autonomy, mobility and contractual freedoms are compromised. Examples include restrictions on the freedom to change their employers or to compete; deception in relation to contracts or types of work; non-payment of wages, violence and harassment; excessive training or competition requirements; and in extreme cases, human trafficking. These risks vary significantly depending on the sport, the athlete's level and the region in which they compete.

⁴⁴ Graham, Garton and Yelin, 7. The success of the CBA was credited to an inclusive negotiation process open to all interested players, thereby ensuring the representation of diverse interests.

⁴⁵ Australian Cricketers' Association, "ACA Signs MOU with Cricket Australia", *AUS Cricket News*, 3 April 2023.

⁴⁶ *afl.com.au*, "Landmark Joint Collective Bargaining Agreement Reached", 21 September 2023.

⁴⁷ ILO, "ILO Welcomes First Global Agreement on Working Conditions and Rights of Professional Football Players", 26 September 2022.

⁴⁸ FIFPRO, "European Union Social Dialogue Committee for Professional Football Visit to Romania", 15 July 2022.

Transfer rules limiting contract termination and player movement are a common yet contentious practice in professional sports.⁴⁹ These rules deviate from standard employment norms and may be exempt from national anti-trust laws.⁵⁰ An example of restrictive labour controls on athletes can be seen in baseball in Japan, where clubs can place certain players on a reserve list, barring them from transferring to other clubs.⁵¹

While rules restricting athletes' labour mobility and contractual freedoms serve to maintain competition integrity and competitive balance, contract stability and the economic viability of competitions and clubs, there are instances of overreach, in which unreasonably restricting players' labour mobility is deemed abusive and illegal.⁵² A recent case highlighting this issue occurred in the International Skating Union (ISU), in which the practice of mandating skaters to compete exclusively in ISU-approved events was found to violate EU competition law.⁵³ In another instance involving an international transfer, the Appeals Board of the Malta Football Association invalidated a non-compete clause in a football player's termination agreement, deeming it "contrary to public policy" and a "disproportionate and illegal restraint of trade".⁵⁴

International athlete transfers have been linked to a heightened risk of forced or compulsory labour. For international athletes, their visas and residency status are often linked to sports clubs, creating dependencies that may increase their vulnerability to forced or compulsory labour.⁵⁵ Some athletes, after changing allegiance, had their passports confiscated, their mobility restricted and were even forcibly drugged, as revealed in a joint investigation.⁵⁶

The appeal of a lucrative sports career, combined with complex and non-transparent transfer systems, has also been linked to child trafficking in sports (see section 3.3.1 below).⁵⁷ Even for adult athletes, dependency on income from sport combined with the control authority in the hands of coaches and sports bodies can lead to situations of abuse and coercion in relation to sports performance. In the case of female adult athletes, this is also combined with vulnerability to gender-based violence and harassment.⁵⁸

3.2.2. International labour standards

Convention No. 29 and its 2014 Protocol, as well as the Abolition of Forced Labour Convention, 1957 (No. 105) provide the international legal framework for protecting athletes from forced labour.

Convention No. 29 requires ratifying Member States to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period" (Art. 1). Forced or compulsory labour is defined as "all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Art. 2(1)). Ratifying Member States must ensure that any exaction of forced labour is adequately punished as a penal offence (Art. 25).

⁴⁹ KEA and The Centre for the Law and Economics of Sport (CDES), *The Economic and Legal Aspects of Transfers of Players*, 2013, 1. In 1995, Jean Marc Bosman successfully challenged football's transfer system before the European Court of Justice. The subsequent ruling significantly improved the bargaining power of players to negotiate better terms at the end of their contracts – as clubs no longer had to pay transfer fees.

⁵⁰ John O. Spengler et al., *Introduction to Sport Law With Case Studies in Sport Law*, third edition (Human Kinetics, 2022), 239–240.

⁵¹ Takuya Yamazaki, *Sports Law in Japan* (Kluwer Law International, 2022).

⁵² Norton Rose Fulbright and Tom Lewis, 'Restraint of an Athlete's Trade: Is It Time to Modernise the Approach to Money and Movement?', *Inside Sports Law* (blog), 5 April 2022; KEA and The Centre for the Law and Economics of Sport (CDES).

⁵³ European Union, Court of Justice, "Judgement of 21.12.2023C–124/21 P: International Skating Union v Commission", 2023.

⁵⁴ FIFPRO World Players' Union, "FIFPRO Statement: Decision on Non-Compete Clause in Malta", 22 February 2023.

⁵⁵ United Nations Office on Drugs and Crime, 2022, 14.

⁵⁶ ILO, *Decent Work in the World of Sport*, 6–7.

⁵⁷ Office of the United Nations High Commissioner for Human Rights, "Playing It Safe: A Glimpse of the Report of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children", 2023, 5; United Nations Office on Drugs and Crime, 2022, 7; Commonwealth Parliamentary Association UK, "Final Report: Actions to Prevent Human Trafficking through Sport: Workshop to Build Capacity and Techniques", 2022, 9.

⁵⁸ UNESCO, UN Women, *Tackling Violence Against Women and Girls in Sport. A Handbook for Policy Makers and Sports Practitioners*, 2023.

The 2014 Protocol to Convention No. 29 is particularly relevant for the protection of athletes (including child athletes) at risk of being trafficked or exposed to conditions of compulsory labour. It specifically addresses human trafficking as a subject of growing international concern, noting that certain groups of workers, especially migrants, have a higher risk of becoming victims of forced or compulsory labour (Preamble).

Ratifying Member States are obligated to take “effective measures” to prevent and eliminate the use of forced labour and to provide protection and access to remedies to victims (Art. 1) and to cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour (Art. 5).

Measures to be taken for the prevention of forced labour include “educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour”, “educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices”, “protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process”, and “supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour”, as well as “addressing the root causes and factors that heighten the risks of forced or compulsory labour” (Article 2). Member States should also undertake efforts to ensure that the coverage and enforcement of relevant legislation apply to all workers and sectors of the economy, and that implementation services (such as labour inspection services) are strengthened (Art. 2(c)).

Under the 2014 Protocol, Member States must also ensure that workers who have become victims of forced or compulsory labour, “irrespective of their legal status in the national territory”, have “access to appropriate and effective remedies, such as compensation” (Art. 4).

Convention No. 105 supplements Convention No. 29 by placing a specific prohibition on the use of forced labour and calls for its immediate abolition in five specific cases, including the use of forced labour as a means of political coercion or as a punishment for having participated in strikes (Arts 1 and 2).

3.2.3. Good practices

To address athletes’ risks of forced labour in the sports sector, key good practices include implementing regulatory safeguards in transfer systems and fostering collaborative efforts among key actors to tackle forced labour in the sector.

The rules governing the professional transfer of athletes or their ability to compete in different leagues are generally established by sports governing bodies and are subject to global standardization.⁵⁹ In order to mitigate the risk of forced labour in sports, particularly the kind associated with international transfers, a number of international sports governing bodies have taken measures to revise their transfer systems and introduce safeguards.

In 2018, the International Association of Athletics Federations (IAAF) introduced new rules for transfers of allegiance, including a review panel to assess applications, proof that transferring athletes receive full citizens’ rights in their new country and a minimum age requirement of 20 for transfers.⁶⁰ Likewise, after revising its transfer system, FIFA in 2001 prohibited the transfer of all players under 18, except under certain conditions (for details, see section 3.3.3 below). World Athletics, the international governing body for athletics, has also addressed the need to protect athletes from forced labour: their Safeguarding Policy mandates World Athletics, area associations and member federations to ensure that athletes are not subjected to “unsafe, excessive, or unwelcome training regimes, human trafficking, financial abuse, or manipulation of their age or nationality”, among other things.⁶¹

⁵⁹ KEA and The Centre for the Law and Economics of Sport (CDES), 1.

⁶⁰ ILO, Decent Work in the World of Sport, 7; World Athletics, “IAAF Council Makes Key Decisions in Buenos Aires”, press release, 28 July 2018.

⁶¹ World Athletics, “World Athletics Safeguarding Policy”, 2022, 10.

In Portugal, the football players' union and federation have worked together to address the growing problem of trafficking in football, particularly as Portugal serves as a "gateway" into Europe for the victims of trafficking in sports.⁶² As part of their efforts, the football federation, with support from the union, has revised its disciplinary regulations. These regulations now state that owners, managers, clubs and agents can face sanctions for neglecting their duty of care, such as allowing a player without a valid visa or work permit to train at a club.

National governments have also acted to address the risks associated with athletes' transfers and organized crime. For example, anti-money laundering laws in Belgium now cover high-level professional football clubs, sports agents in the football sector and the Royal Belgian Football Association, while a clearinghouse has been established for better control over transfer commissions.⁶³

Another good practice is to raise awareness among key stakeholders and enhance the capacity of legislatures and law enforcement to prevent and support the victims of forced labour and trafficking in the sports sector. In 2022, the Commonwealth Parliamentary Association, in partnership with Mission 89, organized a multi-stakeholder workshop aimed at equipping participants with the tools to prevent trafficking ahead of mega-sporting events.⁶⁴ One of the tools discussed was the ILO Indicators of Forced Labour. These indicators, based on Convention No. 29's definition of forced labour, assist "front-line" criminal law enforcement officials, labour inspectors, trade union officers, NGO workers and others in identifying persons trapped in situations of forced labour who are in need of assistance.⁶⁵

3.3. Child labour

3.3.1. Risks

The high-performance sports industry relies on the availability of talented child athletes.⁶⁶ Although children's participation in professional sports can be safe with proper precautions, factors such as early specialization, rigorous training and competitive pressures can expose young athletes to conditions resembling child labour, including various types of abuse, injury and deprivation of educational opportunities.⁶⁷

The modern sports development system requires children to undergo long hours of intensive and repetitive training programmes, high-pressure competitions and sometimes dietary restrictions as well.⁶⁸ Coupled with other factors, such as athletes achieving elite status at younger ages and heightened physical demands in numerous sports, child athletes today face significant pressures that can pose risks to their health and development.⁶⁹ These risks include injuries due to overtraining, as well as burn-out, substance abuse, doping and eating disorders.⁷⁰

Moreover, children engaged in sports involving a high risk of impact (such as rugby or hockey) face potential long-term harm because of the elements in those sports that frequently lead to brain trauma, such as the rugby tackle.⁷¹ The risk

⁶² FIFPro World Players' Union, "Portuguese Player Union Is Fighting Back against Trafficking", 25 August 2021.

⁶³ United Nations Office on Drugs and Crime, 2022, 14.

⁶⁴ Commonwealth Parliamentary Association UK.

⁶⁵ ILO, *ILO Indicators of Forced Labour*, 2012.

⁶⁶ Centre for Sports and Human Rights, "Child Labour in Sport: Protecting the Rights of Child Athletes", white paper, 2022, 6, 15.

⁶⁷ Centre for Sports and Human Rights, 6; Paulo David, *Human Rights in Youth Sport: A Critical Review of Children's Rights in Competitive Sport* (Routledge, 2004); Paulo David, "Respecting the Rights of the Child in Sports: Not an Option", in *International Handbook on Child Rights and School Psychology*, edited by Bonnie Kaul Nastasi, Stuart N. Hart and Shereen C. Naser, 377–388 (Springer, 2020).

⁶⁸ Centre for Sports and Human Rights, 18ff.

⁶⁹ Centre for Sports and Human Rights, 18ff.; Neeru Jayanthi et al., "Sports Specialization in Young Athletes: Evidence-Based Recommendations", *Sports Health: A Multidisciplinary Approach* 5, No.3 (2013): 251–257.

⁷⁰ Centre for Sports and Human Rights, 18ff.; Buthaina Mohammed Al Kuwari and Geraldine Van Bueren, "A Call for Implementing Minimum Age Condition to Protect Young Athletes' Human Rights", *QScience Connect* 2021, No.2 (2021), 1–15.

⁷¹ Eric Anderson et al., "Sport Structured Brain Trauma Is Child Abuse", *Sport, Ethics and Philosophy* (2023): 1–21.

of such injuries, which can lead to cognitive impairments, motor neuron disease and premature death, raises questions about whether children should participate in these sports at all.⁷²

Demanding training regimes for child athletes have also been linked to increased exposure to emotionally harmful treatment, as well as instances of physical and sexual abuse.⁷³ In 2021, the World Players' Census of Athlete Rights Experiences released the first global investigation into the childhood experiences of elite athletes in sports, revealing alarming statistics: 61 per cent of the surveyed athletes reported encountering emotional abuse during their childhood involvement in sports; 37 per cent reported experiencing physical abuse while training or competing; 51 per cent faced economic exploitation; and 69 per cent lacked awareness of their rights as child athletes.⁷⁴

While recognizing the constraints of a relatively small sample size, the findings of the report appear consistent with studies conducted at the national level on child violence, as well as enduring reports of the mistreatment of child athletes over time.⁷⁵ This includes instances in systems designed to garner national prestige through Olympic medal counts,⁷⁶ as well as disturbing cases of sexual abuse perpetrated by coaches and managers in gymnastics and other sports.⁷⁷ The 2018 Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material noted a number of extremely serious cases of sexual exploitation of children in the context of sports with both boys and girls as victims.⁷⁸ While further analysis is needed, some studies suggest that girls suffer more in sports than boys due to underlying patriarchal norms that may legitimize the use of violence against girls, while boys are targeted for different reasons, including conceptions of masculinity that normalize rough play.⁷⁹

Children's participation in professional sports can risk impacting their education and future career prospects.⁸⁰ A 2016 report on working conditions in professional football revealed that almost 72 per cent of those surveyed had not completed education beyond high school, with 10 per cent not even completing primary education.⁸¹ Achieving fame and success "drives, and is often used to justify undergoing the rigours and possible harms of intensive training and competition", but only a few children go on to achieve success at elite levels.⁸² This leaves the majority of "children in the elite development pipeline" in poorly paid professional sports careers, having sacrificed their educational and alternative prospects.⁸³

In 2016, the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography highlighted that the treatment of some child athletes as commodities, who are valued solely for their ability to work and generate profits, could constitute a form of child sale for forced labour.⁸⁴ Unregulated sports academies such as football academies have come under particular scrutiny for separating children from their families

⁷² Anderson et al.

⁷³ Kuwari and Van Bueren.

⁷⁴ Daniel J.A. Rhind et al., "Census of Athlete Rights Experiences: Report © 2021" (World Players Association UNI Global Union, 2021).

⁷⁵ Antti Aine, Jatta Muhonen and Virve Toivonen, "Children's Right to Play Sports in a Safe and Healthy Environment, *The International Sports Law Journal* 22 (2022): 93–104; Kate Alexander, Anne Stafford and Ruth Lewis, "The Experiences of Children Participating in Organised Sport in the UK", University of Edinburgh/NSPCC Centre for UK-wide Learning in Child Protection (CLiCP), 2011).

⁷⁶ Hannah Cholewinski, "Medals & Maltreatment: Protecting Elite Child Athletes from Abuse", *Children's Legal Rights Journal* 41, No.2 (2021): 178–182.

⁷⁷ UNICEF, "The Sale and Sexual Exploitation of Children: Sport and Sporting Events. Post-Expert Consultation Brief", 2020, 2.

⁷⁸ United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale and Sexual Exploitation of Children, including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material*, A/HRC/40/51, 2018, 72–77.

⁷⁹ UNICEF, "The sale and sexual exploitation of children in the context of sport and sporting events", Post-Expert Consultation Brief, 2019.

⁸⁰ United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale and Sexual Exploitation of Children, including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material*, A/HRC/40/51, 2018, 13.

⁸¹ FIFPRO, *FIFPRO Global Employment Report: Working Conditions in Professional Football*, 2016, 26.

⁸² Centre for Sports and Human Rights, 15.

⁸³ Centre for Sports and Human Rights, 15.

⁸⁴ United Nations General Assembly, *Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography*, A/71/261, 2016, para 44.

and imposing arduous training regimes on them with the aim of profiting from their eventual transition to professional clubs.⁸⁵

Child trafficking is prevalent in various sports, with particularly high risks observed in football. However, documented cases also exist in baseball, basketball and ice hockey.⁸⁶ Every year, thousands of minors are trafficked from West Africa to foreign countries to join football academies or play in professional leagues.⁸⁷ Sometimes, these opportunities are false, with fake agents fraudulently extracting money in the process.⁸⁸ Many end up in academies with limited education or vocational training, facing risks of abuse and injury, and are compelled to undergo intensive training under the threat of being left undocumented and with no resources.⁸⁹ In 2023, authorities rescued 47 young players (including 36 minors) from Africa, Asia and South America who were believed to be victims of human trafficking from a football academy in Portugal.⁹⁰

3.3.2. International labour standards

In the realm of international labour and human rights law, the protection of children rests on two pillars: (a) ensuring adequate safeguards for their participation in sports and (b) the strict prohibition of child labour. Child labour is typically defined as work that deprives children of their childhood, potential and dignity, while also harming their physical and mental development.⁹¹ Not all activities in which children engage for economic gain and/or skills/career development are considered prohibited child labour. Hence, children can engage in sports, even at elite levels, provided that appropriate protections/regulations are in place.

The Minimum Age Convention, 1973 (No. 138), and The Worst Forms of Child Labour Convention, 1999 (No. 182), are the primary ILO instruments for safeguarding child athletes. The Convention on the Rights of the Child also offers a vital human rights perspective to the application of international labour standards; notably, its Article 3 prioritizes the best interests of the child, while its Article 12 emphasizes taking into consideration children's views, including their aspirations in sports, based on their age and maturity, and its Article 31 guarantees the right to rest and play

ILO Convention No. 138 focuses on safeguarding children's health and development in relation to work and it applies to all sectors. The Convention mandates Member States to ensure the effective elimination of child labour, stipulate minimum age requirements for employment entry and regulate the working hours and conditions for working children. The Convention sets the minimum working age – whether paid or unpaid – at 15 years and no less than the age of compulsory schooling completion (Art. 2(3)) with certain exceptions such as “light work” provided that they do not compromise a child's health, development or schooling (Art. 7). Subjecting children, defined as persons under 18, to any hazardous work – “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” – is considered child labour and is strictly prohibited under both Convention No. 138 and Convention No. 182 (Art. 3(d)).

⁸⁵ United Nations Human Rights Council, 2018, 9. Despite a ban by FIFA, major clubs have been known to utilize third-party ownership schemes to acquire young talent from these academies.

⁸⁶ United Nations Human Rights Council, 2018, 10; Centre for Sports and Human Rights, 26.

⁸⁷ ILO, “The ILO, FIFPRO and the Didier Drogba Foundation Launch a Campaign against the Risks Linked to the Emigration of Young Football Players”, 5 October 2022.

⁸⁸ United Nations Office on Drugs and Crime, “Corruption and Abuse in Sport”, in *Global Report on Corruption in Sport*, 2021, 18; Kieran Guilbert, “Premier League Concerned by Children Trafficked to UK by Football ‘Fraudsters’”, *Reuters*, 23 April 2018.

⁸⁹ ILO, “The ILO, FIFPRO and the Didier Drogba Foundation Launch a Campaign”; United Nations General Assembly, para 45.

⁹⁰ *africanews.com*, “Portugal: 47 Footballers Victim of Human Trafficking Released”, 15 June 2023.

⁹¹ ILO and Inter-Parliamentary Union, *Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention No. 182*, Handbook for Parliamentarians No. 3, 2002, 16.

Determining whether certain activities qualify as child labour depends on factors like the child's age, the type and duration of work and the conditions under which it is performed.⁹² In the context of children participating in sports, one may consider the level of children's physical risk or potential for injury in a specific sport, the social environment in which their training takes place and whether training regimens are appropriate for their age and developmental stage. Notably, long hours can also render work hazardous.⁹³

Instances of child labour in the sports sector – because “mentally, physically, socially or morally dangerous and harmful” – include allowing child athletes to use drugs for weight loss or performance enhancement, enforcing excessive training regimens that interfere with their physical and psychological development and subjecting them to any form of abuse (for example, using exercise as punishment), neglect (for example, lack of medical attention), or avoidable injuries (for example, through overtraining).⁹⁴ Imposing training and competition schedules that prevent a child athlete below the legal minimum age from receiving proper education would also be considered child labour as it interferes with their schooling.⁹⁵

Convention No. 182 applies to all children under 18, requiring Member States to prohibit and eliminate without delay the worst forms of child labour (Arts 1 and 2). Unlike Convention No. 138, Convention No. 182 lacks flexibility clauses and applies universally across developed and developing countries.⁹⁶ The worst forms of child labour encompass various practices, including slavery, trafficking, debt bondage, forced labour and hazardous work jeopardizing children's health, safety or morals (Art. 3). An example involves the trafficking of children for use as camel jockeys in the Arabian Peninsula, a practice that has significantly declined after concerted efforts by multiple organizations in collaboration with national governments.⁹⁷ Importantly, Member States are required to draw up hazardous work lists through tripartite processes, identifying work that should be prohibited for children under 18 (Art. 4).

Member States are required, in consultation with employers and workers, to establish appropriate monitoring mechanisms for the implementation of Convention No. 182 (Art. 5) and prioritize programmes of action to eliminate the worst forms of child labour (Art. 6) and to ensure the effective implementation and enforcement of the Convention's provisions, including through penal sanctions (Art. 7(1)). Member States must also take timely measures to remove children from the worst forms of child labour and provide for their rehabilitation and social integration (Art. 7(2b)). This could, for instance, involve enhancing law enforcement efforts to combat child athlete trafficking and establishing programmes for their safe return and recovery, or establishing mechanisms to ensure that athletes who have experienced abuse in the sports sector are able to access care and means of redress. Member States should also support one another through international cooperation, aiding social and economic development, poverty eradication and universal education (Art. 8).

Convention No. 182 is complemented by the Worst Forms of Child Labour Recommendation, 1999 (No. 190), which outlines criteria for determining the worst forms of child labour, including work that exposes children to physical, psychological or sexual abuse; work in an unhealthy environment that may, for example, expose children to hazardous substances, agents or processes damaging to their health; and work under particularly difficult conditions such as long hours (Paras 3 and 4).

⁹² ILO, "What Is Child Labour?", International Programme for the Elimination of Child Labour.

⁹³ ILO, "ILO Convention No. 138 at a Glance", 2018, 2.

⁹⁴ Centre for Sports and Human Rights, 9.

⁹⁵ Centre for Sports and Human Rights, 9..

⁹⁶ ILO and Inter-Parliamentary Union, 20.

⁹⁷ ILO, *Giving Globalization a Human Face: General Survey on the Fundamental Conventions Concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008, ILC.101/III/1B, 2012, 198.

3.3.3. Good practices

To address the risk of child labour among professional athletes, best practices include promoting social dialogue around the protection of children in sports; the adoption of relevant workplace policies/codes of conduct by sports governing bodies; preventive measures such as regulatory safeguards in transfer systems and awareness-raising campaigns; and establishing complaint and enforcement mechanisms.

In 2017, the World Players Association (WPA) adopted the Declaration on Safeguarding the Rights of Child Athletes, committing to applying child rights under ILO standards and other frameworks and developing proactive measures for their protection in sports.⁹⁸ The Declaration identified five key action areas to address through social dialogue and engagement with sports bodies and employers: (1) ensuring that adults respect and fulfil the human and labour rights of children; (2) providing a safe environment for child athletes, adhering to national and international standards; (3) ensuring the proper recruitment and training of coaches and staff who work with children through a licensing system that includes minimum requirements such as skills, training, psychological evaluation and criminal background checks; (4) encouraging a child-friendly education environment for young players; and (5) promoting tailored education programmes that address children's rights and risks in sports.⁹⁹ Building on the Declaration, the WPA has developed the "Ready to Respond Handbook" and hosted webinars to support player associations in caring for athletes affected by trauma or abuse in sports.¹⁰⁰ The WPA has also conducted a mapping of the interest, capacity and opportunities to support player associations in addressing abuse in sports.¹⁰¹

Several international sports governing bodies have implemented specific policies to safeguard child athletes from exploitation and abuse, including through adherence to relevant international standards. For instance, the Commonwealth Games Federation has adopted the Human Rights Policy Statement, which recognizes the particular vulnerability of children and commits to following relevant international standards, including the Children's Rights and Business Principles and the UN Guiding Principles on Business and Human Rights.¹⁰² Similarly, the International Olympic Committee (IOC) Code of Ethics includes a provision for health and child protection, including measures that prohibit the exploitation of young child athletes.¹⁰³ The IOC has also established the Integrity and Compliance Hotline for reporting violations.

In 2014, the International Safeguards for Children in Sport were introduced to establish a safe environment for children in sports at all levels.¹⁰⁴ Coordinated by UNICEF, the Safeguards reflect international instruments, relevant legislation, existing child protection standards and good practice, and they provide a useful tool for guiding sports institutions (including providers and funders) on how to safeguard children. A free course and implementation guides have also been developed, based on the feedback from more than 50 organizations that piloted the Safeguards.¹⁰⁵

In 2021, UEFA and FIFA, in consultation with the European Commission, updated their transfer system to improve the protection of minors, among other things. The revised regulations impose strict limitations on transfers involving players under 18, particularly across borders and with non-EU countries. If such transfers are permitted under specific exceptions, new clubs must meet certain obligations, including providing education beyond football and ensuring

⁹⁸ World Players Association, "Declaration on Safeguarding the Rights of Child Athletes", 2017.

⁹⁹ World Players Association, 4.

¹⁰⁰ Katrina Collins et al., "Ready to Respond: A Player Association Guide to Support Athletes Through Abuse, Harassment and Trauma" (World Players Association UNI Global Union, 2021).

¹⁰¹ Daniel J.A. Rhind et al., "Supporting Player Associations to Address Abuse in Sport: Mapping Interest, Capacity and Opportunities" (World Players Association, 2023).

¹⁰² Commonwealth Games Federation, "Commonwealth Games Federation Human Rights Policy Statement", 14 June 2022; see also FIFA, "FIFA's Human Rights Policy", 2017.

¹⁰³ IOC, "Code of Ethics", in *IOC Code of Ethics and Other Texts*, 2024, para 5.3.

¹⁰⁴ International Safeguarding Children in Sport Working Group, "International Safeguards for Children in Sport" (UNICEF, 2014).

¹⁰⁵ Safe in Sport, "8 Safeguards", 2024.

“optimum living standards”.¹⁰⁶ For players who are at least 10 years old, the Football Tribunal’s Players’ Status Chamber must approve their international transfer and first registration.¹⁰⁷ However, children under 10 years old are left without specific protection.¹⁰⁸ The system also mandates the registration and reporting of minors at academies, requiring clubs to report attending minors to the national association, which maintains a register.¹⁰⁹ The Transfer Matching System (TMS) records international transfer transactions; the approval process for the registration of minors must be conducted through the TMS.¹¹⁰ However, despite these measures, concerns persist about the effectiveness of the system and the challenges of monitoring and enforcement.¹¹¹

In 2022, the ILO, in collaboration with the Didier Drogba Foundation and FIFPRO Africa, launched a campaign to raise awareness among young African football players vulnerable to scams by “fake agents”, which could lead to exploitation and human trafficking.¹¹² The campaign aims to empower players by alerting them to the risks, providing education on the issue and ultimately giving them the knowledge to protect themselves from these “agents”.¹¹³ For instance, young footballers are advised not to pay before signing a contract with a club, to seek legal advice before signing a deal with an agent, to verify an agent’s registration with a football association or possession of a FIFA licence from October 2023 and to contact the local player union or FIFPRO for assistance.¹¹⁴

Several countries have implemented legislation to bolster protections for child athletes. In the United Kingdom, children under the age of 16 participating in paid sporting events must acquire a “child performance licence” and receive adequate supervision.¹¹⁵ China’s “Regulations on Managing Young People and Children’s Sports Schools” of 2011 mandates that children in sports schools continue their formal academic education alongside sports training and prohibits the use of corporal punishment.¹¹⁶ In the United States, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 extends reporting requirements to all youth sports organizations participating in international or inter-state events.¹¹⁷ Under this law, adults authorized to interact with child athletes must promptly report any suspicions of abuse to law enforcement agencies or, under specific circumstances, to the United States Center for SafeSport, within 24 hours.¹¹⁸

Certain countries and organizations have set up independent ombudsman offices or hotlines to allow athletes, including children, to report abuse, exploitation or any concerns about their well-being. In Switzerland, the initiative “No sexual abuse in sports”, a collaboration between Swiss Olympic and the Federal Sports Office, offers guidance for athletes, federations and coaches on preventing sexual abuse in sports. It provides information on intervention methods, including calling the hotline of a designated youth counsellor and reporting to the designated authority, Swiss Sport Integrity.¹¹⁹

¹⁰⁶ FIFA, “Regulations on the Status and Transfer of Players”, 2022, art. 19 (1,2).

¹⁰⁷ FIFA, Regulations on the Status and Transfer of Players, art. 19 (4).

¹⁰⁸ United Nations Human Rights Council, 8.

¹⁰⁹ FIFA, Regulations on the Status and Transfer of Players, art. 19bis (1, 3).

¹¹⁰ FIFA, Regulations on the Status and Transfer of Players, Annex 3.

¹¹¹ United Nations Human Rights Council, 8–9; Centre for Sports and Human Rights, 26.

¹¹² ILO, “The ILO, FIFPRO and the Didier Drogba Foundation Launch a Campaign”; Norman Brook, “FIFPRO Africa Launches Campaign Warning Footballers about Fake Agents” (safesportafrica.org, 7 July 2023).

¹¹³ FIFPRO World Players’ Union, “FIFPRO Launches Campaign Warning Footballers about Fake Agents” (FIFPRO, 5 July 2023).

¹¹⁴ FIFPRO World Players’ Union, “FIFPRO Launches Campaign”.

¹¹⁵ United Kingdom, *gov.uk*, “Performance Licences and Supervision for Children”.

¹¹⁶ Melanie Lang and Mike Hartill, eds, *Safeguarding, Child Protection and Abuse in Sport: International Perspectives in Research, Policy and Practice* (Routledge, 2014), 126.

¹¹⁷ Brooke Pratt, “Everything You Need to Know About the Safe Sport Act”, *Praesidium* (blog), 25 October 2021.

¹¹⁸ Office of the United Nations High Commissioner for Human Rights, “Playing it Safe”, 16.

¹¹⁹ Swiss Olympic, “Keine sexuellen Übergriffe im Sport”.

3.4. Discrimination

3.4.1. Risks

Despite the potential for inclusion and representation in the world of sports, discrimination on the basis of race, colour, sex, religion, political opinion, nationality or social origin, as well as gender, sexual orientation, age and disability, remains pervasive.¹²⁰ Importantly, the risk of discrimination is higher when different identities or grounds of discrimination intersect (for example, race and sexual orientation). Discrimination can take direct forms, when explicit distinctions, preferences or exclusions are made, or indirect forms, when seemingly neutral practices have negative impacts on persons from a certain group.¹²¹

Sports is a sector in which men continue to dominate in all areas, although there is some variation among countries and disciplines.¹²² Women tend to be under-represented in sports clubs and federations, encounter fewer professional opportunities and are notably absent from upper-tier sports leadership positions.¹²³ Inadequate provisions for situations such as pregnancy and the enduring gender pay gap, which is manifested in ongoing disparities in commercial sponsorships, endorsements, prize money and player salaries, further contribute to this imbalance.¹²⁴

The gender pay gap in sports is most prominent in football. For example, while male players in the United Kingdom's top-league clubs earn an average yearly salary of £2.8 million, their female counterparts in the Women's Super League receive only about £30,000 annually.¹²⁵ This disparity often leads women athletes to seek secondary employment, further limiting their career prospects in sports.¹²⁶ A 2017 report on working conditions in professional women's football revealed that 50 per cent of elite-level female players surveyed received no salary, while nearly two thirds of those who did earned less than \$600 a month; 30 per cent of elite-level female players combined their football career with another job.¹²⁷

The subject of gender identity discrimination in sports centres on the ongoing and often contentious debate over eligibility requirements for the traditionally divided male and female categories.¹²⁸ Approaches to regulating eligibility criteria for transgender and intersex athletes thus vary widely, with significant implications for the rights, opportunities and well-being of athletes who do not neatly fit into established gender categories.¹²⁹ This includes intersex athletes, particularly women in a subset of intersex variations characterized by higher natural testosterone levels.¹³⁰ These issues have "given rise to feelings of dissatisfaction and injustice, and continuing discussions over cases of discrimination and the humiliation of athletes".¹³¹ Moreover, eligibility requirements have particularly affected the women's sports category,

¹²⁰ ILO, Decent Work in the World of Sport, 8.

¹²¹ ILO, "Q&As on Business, Discrimination and Equality", 1 February 2012.

¹²² Kari Fasting, *All In! Towards Gender Balance in European Sport* Analytical Report of the Data Collection Campaign (Council of Europe, 2019), 11.

¹²³ Fasting; European Commission, Directorate-General for Education, Youth, Sport and Culture, "Towards More Gender Balance in Sport: Recommendations and Action Plan by the High Level Group on Gender Equality in Sport", 2022.

¹²⁴ ILO, Decent Work in the World of Sport, 8.

¹²⁵ Elinor Cavil and Sara Jenkins, "Gender Pay Gap in Sport: Disparity, Progress and the Way Forward?", *MSE Today – Media, Sport and Entertainment Insights*, 29 March 2023.

¹²⁶ ILO, Decent Work in the World of Sport, 4; United Nations Office on Drugs and Crime, 2022, 19.

¹²⁷ FIFPRO World Players' Union, "2017 FIFPRO Global Employment Report: Working Conditions in Professional Women's Football", 2017, 6–7.

¹²⁸ Some high-profile examples include the 2019 Differences in Sexual Development (DSD) Regulations, the 2021 Eligibility Regulations for Transgender Athletes in Athletics, the 2020 Transgender Guidelines of World Rugby and the 2022 International Swimming Federation (FINA) Policy on Eligibility for the Men's and Women's Categories in swimming.

¹²⁹ International governing bodies have repeatedly faced criticism for adopting eligibility requirements perceived as exclusionary and overly focused on scientific interpretations of sex, gender and physiological advantages, rather than principles of equity and human rights.

¹³⁰ Seema Patel, "Gaps in the Protection of Athletes Gender Rights in Sport: A Regulatory Riddle", *The International Sports Law Journal* 21, No. 2 (2021): 257–275; Steve Brenner, "Caster Semenya: 'They're Killing Sport: People Want Extraordinary Performances'", *The Guardian*, 23 April 2021.

¹³¹ Irena Martinková, "Unisex Sports: Challenging the Binary", *Journal of the Philosophy of Sport* 42, No.2 (2020): 248–265.

with some criticized for endorsing the widespread scrutiny of female athletes' femininity by national federations, doctors, doping officials and other personnel.¹³²

Discrimination on the basis of sexual orientation is another common challenge in the world of sports. Homophobic attitudes and harassment persist, particularly in traditionally male sports and team environments.¹³³ Despite a notable increase in public relations efforts, research indicates a reluctance in the sports sector to effectively address the discrimination and violence experienced by LGBTQ+ athletes, resulting in a lack of concrete actions following public commitments.¹³⁴

Racism and racist abuse – including from fans – continues to persist deeply and pervasively in the world of sports across all levels, with particular severity in certain sports (for example, club-level football in Europe).¹³⁵ Extensive studies conducted across the United Kingdom have found that athletes, especially those from Black and Asian backgrounds, experience frequent racial discrimination from coaches, teammates and opposing teams, as well as in their interactions with selection processes, grant funding systems and leadership structures.¹³⁶ Racist abuse in sports often starts early and the lasting impact of enduring negative experiences in sporting environments can significantly affect individuals' physical and mental well-being.¹³⁷

Online discriminatory abuse, particularly racism and homophobia, is increasingly prevalent across social media platforms and online forums.¹³⁸ A recent study examining targeted online abuse in football and basketball revealed that male players are most often targeted by racism and homophobia, while female players face sexism and homophobia as the primary forms of abuse.¹³⁹

Professional athletes are also at risk of encountering discrimination based on religion and political beliefs. This discrimination can take direct forms, such as harassment from opponents or teammates, or indirect forms, such as a lack of tolerance of their religious practices.¹⁴⁰ Even sports bodies can perpetuate discrimination, as seen when the International Basketball Federation lifted its ban on head coverings (such as hijabs) in 2017, following persistent advocacy efforts from groups such as Human Rights Watch and the World Players Association.¹⁴¹ A recent example of political discrimination emerged when a German football club terminated a player's contract over his social media comments in connection with the war in Gaza.¹⁴²

Athletes with disabilities also face various forms of discrimination in the world of sports, including unequal opportunities in relation to equipment, training and competitions; stigmatization and stereotyping; a lack of representation in

¹³² Katrina Karkazis and Morgan Carpenter, "Impossible 'Choices'": The Inherent Harms of Regulating Women's Testosterone in Sport", *Journal of Bioethical Inquiry* 15, No. 4 (2018), 579–587.

¹³³ Erik Denison, Nadia Bevan and Ruth Jeanes, "Reviewing Evidence of LGBTQ+ Discrimination and Exclusion in Sport", *Sport Management Review* 24, No.3 (2021): 389–409.

¹³⁴ Denison, Bevan and Jeanes; Celia Brackenridge et al., "A Review of Sexual Orientation in Sport", SportScotland Research Report No. 114, 2008; Ryan Storr, Keith D. Parry and Emma Kavanagh, "We Are a Sport for All Australians": Exploring the Non-Performativity of Institutional Speech Acts around LGBTI+ Diversity in Australian Sporting Organisations", Abstract Book of the 15th European Association for Sociology of Sport Conference: Sport, Discriminations and Inclusion: Challenges to Face (EASS 2018), 23–26 May 2018, 67.

¹³⁵ Simon Shibli, Anil Gumber and Girish Ramchandani, *Provision of Tackling Racism and Racial Inequality in Sport: Data Gathering and Analysis Services*, Sheffield Hallam University, 2021, 1.

¹³⁶ AKD Solutions, "Tackling Racism in Sport", 2021, 50.

¹³⁷ AKD Solutions.

¹³⁸ Shibli, Gumber and Ramchandani.

¹³⁹ FIFPro, NBPA and WNBA, "Decoding Online Abuse of Players: Collective Responses by Players and Unions", 2022. In general, the risk factors for players include (in descending order of significance): gender, ethnicity, political activism or advocacy (such as for LGBTQ+ issues), public profile, and employment or contract negotiations.

¹⁴⁰ Ivana Katsarova, "Briefing: Fighting Discrimination in Sport" (European Parliamentary Research Service, 2021), 3; Awista Ayub, "A Closer Look at FIFA's Hijab Ban: What It Means for Muslim Players and Lessons Learned", *The SAIS Review of International Affairs* 31, No.1 (2011): 43–50.

¹⁴¹ Al Jazeera, "FIBA Allows Hijab in Professional Basketball", 4 May 2017.

¹⁴² Raphael Honigstein, "Why Anwar El Ghazi Was Sacked over Israel-Gaza Post", *The Athletic*, 2 November 2023.

leadership roles and the media; and harassment and bullying.¹⁴³ They are often paid less, receive lower medal bonuses and in several sports many of them rely on sponsorships as there is no prize money.¹⁴⁴

In severe instances, discrimination can be manifested as physical threats or attacks, as well as racist abuse levied against athletes at competitions/sporting events by fans and onlookers through chants, gestures and banners displayed in stadiums.¹⁴⁵ While athletes of all ages and backgrounds may face violence, harassment and abuse in sports, research consistently indicates that the highest risks are borne by elite athletes competing at the international level, disabled athletes, child athletes, LGBTQI+ athletes and those from ethnic minorities.¹⁴⁶ Significantly, women and girls are at an elevated risk of encountering gender-based violence, including sexual harassment, while male athletes may be at higher risk of experiencing physical forms of violence (see also section 3.5.1 below).¹⁴⁷

3.4.2. International labour standards

Athletes' right to non-discrimination is protected by the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Furthermore, while not included in the fundamental Conventions, the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, are acknowledged as "particularly relevant to supporting governments, together with social partners and other stakeholders, in preventing and addressing discrimination, violence and harassment in sport".¹⁴⁸

Convention No. 100 safeguards the right of male and female athletes to receive equal pay for work of equal value (Art. 1(b)). Remuneration, as defined by the Convention, encompasses the wage, along with any additional benefits payable directly or indirectly "whether in cash or in kind" provided by the employer to the athlete as part of their employment (Art. 1(a)). Remuneration thus covers prize money, scholarships and sponsorship deals, as well as any other payments/benefits awarded to athletes.

Convention No. 111 protects athletes from discrimination, meaning "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation" (Art. 1(1a)), as well as "such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation" as may be determined by a Member State following appropriate consultations (Art.1(1)(b)).¹⁴⁹

The terms "employment" and "occupation" are defined to include access to training (Art. 1(3)). Notably, any distinctions, exclusions or preferences related to a job's "inherent requirements" are not classified as discrimination (Art. 1(2)). This implies that when governing bodies, such as those in sports, make distinctions based on the inherent requirements of a sport, such differentiation shall not be deemed discrimination under the Convention.

¹⁴³ Olga Kolotouchkina et al., "Disability, Sport, and Television: Media Visibility and Representation of Paralympic Games in News Programs", *Sustainability* 13, No. 1 (2021): 256–269; Brett Smith, *Paralympics and Disability Sport* (Routledge, 2016); Ben Powis, James Brighton and P. David Howe, eds, *Researching Disability Sport: Theory, Method, Practice* (Routledge, 2022); Yetsa A. Tuakli-Wosornu and Sandra L Kirby, "Safeguarding Reimagined: Centering Athletes' Rights and Repositioning Para Sport to Chart a New Path", *Frontiers in Psychology* 13 (2022): 1–16; Laura Misener and Simon Darcy, "Managing Disability Sport: From Athletes with Disabilities to Inclusive Organisational Perspectives", *Sport Management Review* 17, No. 1 (2014): 1–7.

¹⁴⁴ ILO, Decent Work in the World of Sport, 8.

¹⁴⁵ FIFA, "FIFA Good Practice Guide on Diversity and Anti-Discrimination", 2018, 23.

¹⁴⁶ Margo Mountjoy et al., "International Olympic Committee Consensus Statement: Harassment and Abuse (Non-Accidental Violence) in Sport", *British Journal of Sports Medicine* 50, No.17 (2016):1019–1029; Tine Vertommen et al., "Interpersonal Violence against Children in Sport in the Netherlands and Belgium", *Child Abuse & Neglect* 51 (2016): 223–226; Melanie Lang et al., "Gender-Based Violence in Sport: Prevalence and Problems", *European Journal for Sport and Society* 20, No. 3 (2023): 57–78.

¹⁴⁷ Lang et al.; Vertommen et al.

¹⁴⁸ ILO, Global Dialogue Forum on Decent Work in the World of Sport, para 7.

¹⁴⁹ The notion of discrimination includes both direct and indirect discrimination, as well as discrimination-based harassment; for a recent example, see ILO, *Achieving Gender Equality at Work: General Survey on Conventions Nos 111, 156, 183 and Recommendations Nos 111, 165 and 191*, ILC.111/III(B), 2023.

Convention No. 111 mandates Member States to establish a national policy fostering the equality of opportunity and treatment in employment (Art. 2) and to collaborate with employers' and workers' organizations to encourage policy acceptance (Art. 3(a)). They are prompted to enact legislation and support educational programmes in support of the policy and to repeal laws conflicting with the policy (Art. 3(b) and 3(c)).

Convention No. 190 and its accompanying Recommendation No. 206 complement Convention No. 111 by offering a common framework to safeguard workers from violence and harassment in their work (including discrimination-based violence and harassment).¹⁵⁰ Convention No. 190 defines these as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment" (Art. 1).¹⁵¹ Notably, the definition does not include *intent* as one of its constitutive elements but rather focuses on the *unacceptability* of the behaviour – thereby ensuring a victim-centred and pragmatic approach.¹⁵² Moreover, the definition does not specify a perpetrator, meaning that vertical, horizontal and third-party violence and harassment are also included.

The Convention's broad scope, addressing violence and harassment connected to or arising from work, means that harmful actions need not occur in the physical workplace to be deemed unlawful. Protection extends to places where an athlete is paid, takes breaks or uses facilities; during work-related travel, training, events or social activities; through work-related communications, including technology; in employer-provided accommodation; and during commuting (Art. 3). This coverage ensures that athletes who face violence during competitions or encounter harassment on social media platforms fall within the Convention's protective scope.

Convention No. 190 mandates Member States to adopt an inclusive integrated, and gender-responsive approach to prevent and address workplace violence and harassment (Arts 4 and 7–11). Importantly, "such an approach should take into account violence and harassment involving third parties, where applicable" (Art. 4(2)). This is important for the sports sector, given the importance of third parties in perpetuating violence and harassment against athletes (for example, racist abuse online).

3.4.3. Good practices

Promoting non-discrimination in sports is essential to ensure equal opportunities and fair treatment for all athletes. Good practices include adopting diversity and inclusion policies in athlete recruitment and development; prioritizing non-discrimination in government policies and legislation; negotiating equal pay in CBAs; launching campaigns and partnerships to advance equal treatment;¹⁵³ and implementing safeguards and enforcement mechanisms to combat violence and harassment in sports.

Sports organizations play a crucial role in promoting non-discrimination and equal treatment through proactive policies and programmes. For instance, the NBA collaborates with organizations like the National Black NBA Association and Women in Sports and Events to ensure inclusive recruiting.¹⁵⁴ The Women's Tennis Association approved a plan in 2023 to achieve equal pay across the tennis calendar by 2033.¹⁵⁵ Importantly, gender equality policies must go beyond

¹⁵⁰ Notably, Convention No. 190's broad scope of application protecting workers and persons in the world of work "irrespective of their contractual status" across all sectors (Art. 2), which makes it highly relevant to the protection of athletes.

¹⁵¹ ILO, *Violence and Harassment in the World of Work. A Guide on Convention No. 190 and Recommendation No. 206*, 2021. The Convention defines the term "gender-based violence and harassment" as "violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment" (Art. 1(b)).

¹⁵² ILO, *Violence and Harassment in the World of Work*, 10.

¹⁵³ In resolution 54/25 on a world of sports free from racism, racial discrimination, xenophobia and related intolerance of 12 October 2023 (A/HRC/RES/54/25), the Human Rights Council called on States, sports governing bodies, athletes, sponsors and civil society to take coordinated action in the fight against racism in sports. The Office of the United Nations High Commissioner for Human Rights is creating an alliance dedicated to this.

¹⁵⁴ NBA, "Diversity and Inclusion: Recruiting and Development".

¹⁵⁵ Matthew Futterman, "Pay Equity Is Officially Coming to Tennis: Eventually", *The New York Times*, 27 June 2023.

finances. Notably, the United States Tennis Association ensures that women tennis athletes are also treated equally when it comes to opportunities and exposure (for example, scheduling matches).¹⁵⁶ In 2020, FIFA introduced global minimum standards for female players that focus on maternity rights, including a mandatory maternity leave of at least 14 weeks, reintegration support and employment protection.¹⁵⁷ In 2023, the International Basketball Federation (FIBA) adopted Portrayal Guidelines to combat gender bias and stereotypes in media coverage of the sport.¹⁵⁸

CBAs have also played a pivotal role in promoting gender equality in sports. For example, the 2022 agreement between the United States Women's National Team Players Association and the United States Soccer Federation ensures equal pay and World Cup prize money sharing.¹⁵⁹ In the same year, the Slovenian women's national team secured working conditions and pay equal to the men's team in a deal agreed with the Football Association of Slovenia, following a multi-year struggle and allegations of discriminatory treatment.¹⁶⁰

Governments play an important role by embedding equal pay and opportunities in relevant legislation and policies. A recent example of government action is the landmark Equal Pay for Team USA Act, signed into law in January 2023, which requires that "all athletes representing the United States in global athletic competitions, like the World Cup, Olympics and Paralympics, receive equal compensation and benefits in their sport, regardless of gender. It also requires equal payment for medical care, travel and expenses".¹⁶¹ In the EU, the All in Plus project aims to "highlight the benefits of greater gender equality in sport" through data collection and analysis, the creation of an online resource centre for best practices and raising awareness about gender inequalities in sports through the media.

Campaigns to challenge racism and other forms of discrimination have a long history in sports. In 1993, the Kick It Out campaign was launched to challenge racial discrimination in football. Today, it tackles discrimination in all its forms – including sexism, homophobia and transphobia (Equality Charter). Among other things, Kick It Out provides guides and resources for promoting inclusion and ending discrimination, as well as a mechanism for reporting incidents of discrimination. In collaboration with Kick It Out and other partners, the Premier League launched a No Room for Racism Campaign, which encompasses the No Room for Racism Action Plan, a reporting mechanism and education programmes, as well as anti-racism messaging through social media.

Athletes themselves from around the world have shown solidarity against discrimination by using their platforms to advocate for change. For example, athletes have taken a knee to protest racial discrimination and they have advocated for LGBTQ+ rights during international events. Speaking out on political and social issues entails personal and professional risks for athletes, as recognized by the UN High Commissioner for Human Rights in 2023: "when athletes speak out, they are human rights defenders and require our support and solidarity".¹⁶²

Prioritizing non-discrimination and inclusivity at global sporting events, such as the Olympics and the FIFA World Cup, is another important avenue for advancing anti-racism and gender equity. Over the years, FIFA has introduced a number of protocols and rules to counter discrimination and racist attacks at stadium events. In 2017, the Council advised member associations and referees "to adopt a strict policy to deal with incidents of racist nature, following the three-step protocol, under which referees would first stop the match and request a public announcement to insist that acts of discrimination cease, then suspend the match until the behaviour stops with another warning announcement, failing

¹⁵⁶ Lev Akabas, "U.S. Open's Equal Pay Can't Close the Tennis Gender Gap", *Sportico.com*, 8 September 2023.

¹⁵⁷ Inside FIFA, "FIFA Steps up Protection of Female Players and Football Coaches", 19 November 2020.

¹⁵⁸ FIBA, Portrayal Guidelines, 2023.

¹⁵⁹ Drew Weisholtz, "US Women's Soccer Announces Equal Pay Deal", *TODAY.com*, 18 May 2022; USSF and USWNTPA, "Collective Bargaining Agreement between the United States Soccer Federation and the U.S. Women's National Team Players Association: 2022–2028", 2022.

¹⁶⁰ FIFPRO, "Slovenian Women's National Team Arrange Equal Pay and Working Conditions - FIFPRO World Players' Union", 20 December 2023.

¹⁶¹ Thelma Akpan et al., "Women's World Cup 2023: Equal Pay for Women in and Out of Sports", *littler.com*, 4 August 2023.

¹⁶² Office of the United Nations High Commissioner for Human Rights, "Advancing Human Rights in Sports Can Catalyze Social Transformation, Türk Says", press release, 5 December 2023.

which the referee could then decide to abandon the match".¹⁶³ At the FIFA Confederations Cup 2017, the new anti-discrimination procedure was first put into practice, allowing referees to stop the match in case of discriminatory behaviour from spectators, with anti-discrimination match observers present at each match.¹⁶⁴ FIFA Statutes prohibit "[d]iscrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion."¹⁶⁵ Most recently, the Human Rights Declaration of the UEFA Euro 2024, in addition to committing to respect the ILO's fundamental principles and rights at work, sets out to oppose " ... the occurrence of racism and antisemitism, islamophobia, sexism, LGBTI hatred, homophobic, transphobic and xenophobic actions, and any other form of violent, discriminatory or inhuman attitudes and behaviour."¹⁶⁶

To shield players from discriminatory abuse online, FIFA's Social Media Protection Service, created in collaboration with FIFPRO, works to reduce the visibility of hate speech directed at players on social media platforms.¹⁶⁷ This service enables teams, players and other individuals to opt into a moderation service that monitors their public accounts for abusive, discriminatory and threatening comments or replies. It promptly hides such comments from recipients and followers and reports them to social media platforms for further action if they violate the terms of service.

To combat violence and harassment in sports, the IOC released two key statements: one in 2007 focusing on sexual harassment and abuse and another in 2016 addressing non-accidental violence more broadly. The 2007 statement recommends awareness-raising, policy development, education and prevention measures.¹⁶⁸ Sports organizations are urged to establish and monitor policies for preventing sexual harassment and abuse, along with implementing educational programmes.¹⁶⁹ The 2016 statement emphasizes athletes' right to "safe sport" and proposes measures such as defining violations, establishing a range of consequences and providing response systems for handling athlete concerns and complaints.¹⁷⁰ A toolkit for international federations and national Olympic committees released by the IOC in 2017 further elaborates relevant guidance on creating and implementing athlete safeguarding policies and procedures.¹⁷¹ In November 2021, the IOC released the Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations.¹⁷²

To ensure the effectiveness of safe sports entities in addressing cases of maltreatment without causing further harm to victims and survivors, the World Players Association, in collaboration with athlete survivor groups, released guidance in 2022.¹⁷³ This brief outlines six fundamental principles for safe sports entities: they must be human rights-based; survivor-centred; independent and accountable; safe and accessible; rooted in meaningful stakeholder engagement; and provide access to effective remedy. They should also fulfil five key functions: support, reporting, investigation, remedy and prevention.

With regard to the treatment of transgender and intersex athletes, the 2015 IOC Consensus and 2021 Framework acknowledge "that the objective of fair competition is limited by the need for eligibility restrictions to be necessary and

¹⁶³ Inside FIFA, "FIFA Council Prepares Congress, Takes Key Decisions for the Future of the FIFA World Cup", 9 May 2017.

¹⁶⁴ FIFA, FIFA Good Practice Guide, 32.

¹⁶⁵ FIFA, FIFA Statutes, May 2022 edition, Art. 4.

¹⁶⁶ UEFA, Human Rights Declaration of the UEFA Euro 2024, 3.

¹⁶⁷ Inside FIFA, "FIFA and FIFPRO Launch Social Media Protection Service at FIFA World Cup Qatar 2022", 16 November 2022.

¹⁶⁸ International Olympic Committee, "IOC Consensus Statement: Sexual Harassment and Abuse in Sport", 2007.

¹⁶⁹ International Olympic Committee, IOC Consensus Statement: Sexual Harassment and Abuse in Sport.

¹⁷⁰ International Olympic Committee, "IOC Consensus Statement: Harassment and Abuse (Non-Accidental Violence) in Sport", 2016. Safe sport is defined as "an athletic environment that is respectful, equitable and free from all forms of non-accidental violence to athletes".

¹⁷¹ International Olympic Committee, "Safeguarding Athletes from Harassment and Abuse in Sport: IOC Toolkit for IFs and NOCs", 2017.

¹⁷² International Olympic Committee, Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations, 2021.

¹⁷³ World Players Association UNI Global Union, "Establishing Effective Safe Sport Entities", 2022.

proportionate".¹⁷⁴ The documents imply that eligibility restrictions that pursue fair competition at the expense of inclusivity demand a rational and transparent justification; criteria should be based on robust scientific evidence of any disproportionate competitive advantage.¹⁷⁵

3.5. OSH

3.5.1. Risks

Athletes – though a heterogeneous group – often face a greater risk of injury and potential long-term physical and mental health issues compared to many other professions. However, the extent of this risk varies significantly depending on factors such as the type of sport played and the level of competition. Athletes in "collision sports" are exposed to high risks of traumatic brain injury and chronic traumatic encephalopathy.¹⁷⁶ Conversely, in winter endurance sports, athletes may grapple with adverse effects on their respiratory health due to prolonged exposure to cold conditions.¹⁷⁷

Notably, the acceptable threshold for occupational risk tends to be higher in the sports sector than in many other industries, with a greater emphasis on managing and reducing risks rather than completely eliminating them.¹⁷⁸ Athletes may also prioritize performance over safety due to outside pressures, including through coaches and management, sometimes taking risks and concealing injuries to remain in the sport.¹⁷⁹

Overall, factors like playing styles and prolonged competition periods contribute to increasing risks of enduring injuries and health issues among athletes. Elite athletes, in particular, face mounting workload demands driven by densely packed competition schedules and evolving formats, such as the overlap between the FIFA World Cup and domestic league seasons in 2022–2023.¹⁸⁰ Intense training and competition schedules without sufficient recovery periods take a physical and mental toll on players and can contribute to shortening their active careers.¹⁸¹

Despite athletes often being formally employed, the world of sports in many countries is exempt from typical workplace regulations. For instance, the Occupational Safety and Health Administration in the United States does not regulate the NFL in the same manner as it does other workplaces.¹⁸² Furthermore, access to social protection systems designed to support athletes after injury varies significantly between countries, with some countries providing robust systems while other countries offer limited or non-existent support. For example, professional players in Australia are exempt from

¹⁷⁴ International Olympic Committee, "IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism", November 2015; Jonathan Cooper, "Fair Competition and Inclusion in Sport: Avoiding the Marginalisation of Intersex and Trans Women Athletes", *Philosophies* 8, No.2 (2023), 28–50.

¹⁷⁵ Cooper.

¹⁷⁶ Andrew Gardner, Grant L. Iverson and Paul McCrory, "Chronic Traumatic Encephalopathy in Sport: A Systematic Review", *British Journal of Sports Medicine* 48, No.2 (2014): 84–90; Theodore B VanItallie, "Traumatic Brain Injury (TBI) in Collision Sports: Possible Mechanisms of Transformation into Chronic Traumatic Encephalopathy (CTE)" *Metabolism* 100 (2019); Robert R. Donnelly and others, "A Systematic Review and Meta-Analysis Investigating Head Trauma in Boxing", *Clinical Journal of Sport Medicine* 33, No.6 (2023): 658–674.

¹⁷⁷ Hannes Gatterer et al., "Practicing Sport in Cold Environments: Practical Recommendations to Improve Sport Performance and Reduce Negative Health Outcomes", *International Journal of Environmental Research and Public Health* 18, No. 18(2021): 9700.

¹⁷⁸ Yanbing Chen, Conor Buggy and Seamus Kelly, "Winning at All Costs: A Review of Risk-Taking Behaviour and Sporting Injury from an Occupational Safety and Health Perspective", *Sports Medicine – Open* 5, No. 15 (2019): 1–21.

¹⁷⁹ Yanbing Chen et al., "Considering Occupational Safety Awareness in Elite Rugby: A Game of Near-Misses", *Journal of Interdisciplinary Sciences* 5, No.1 (2021): 1–31; Jochen Mayer, Felix Kühnle and Ansgar Thiel, "Presenteeism in Elite Sport Organisations: A Framework for Understanding Athletes' Decisions to Practise Sport despite Health Concerns", in *Routledge Handbook of Athlete Welfare* edited by Melanie Lang, 81–93 (Routledge, 2020); Kaleigh Ferdinand Pennock and others, "Under-Reporting of Sport-Related Concussions by Adolescent Athletes: A Systematic Review", *International Review of Sport and Exercise Psychology* 16, No.1 (2023): 66–92.

¹⁸⁰ FIFPRO, "Extreme Calendar Congestion: The Adverse Effects on Player Health and Wellbeing: PWM Annual Workload Report - Men's Football (2022/23 Season), 2023, 4.

¹⁸¹ FIFPRO, Extreme Calendar Congestion.

¹⁸² Adam M. Finkel et al., "The NFL as a Workplace: The Prospect of Applying Occupational Health and Safety Law to Protect NFL Workers", *Arizona Law Review* 60, No.2 (2018): 291–368; Toby Graham, "Why Doesn't OSHA Regulate the NFL?", *Better Workforce* (blog), 28 August 2019.

state and territory workers' compensation schemes, whereas the accident compensation scheme in New Zealand does not distinguish between sports-related and other injuries.¹⁸³

In addition, gender issues related to OSH risks are often neglected. Studies suggest, for instance, that women footballers are significantly more likely to suffer anterior cruciate ligament injuries compared to men, in part due to footwear and kit being designed with the male physique in mind, as well as other factors.¹⁸⁴ Furthermore, para-athletes can be more vulnerable to certain illnesses and injuries due to underlying and pre-existing medical conditions.¹⁸⁵

The physical demands placed on athletes, coupled with serious physical injuries, competition for selection and concerns about career transitions have been linked to mental health risks like depression and anxiety.¹⁸⁶ Cultural influences on mental health include the lack of acceptance of women athletes, the lower acceptability of mental health symptoms and disorders among non-white athletes, the non-disclosure of religious beliefs and a higher dependence on revenue derived from sports careers.¹⁸⁷

Despite these pressures, many athletes hesitate to seek mental health support due to stigma, busy schedules, negative past experiencing with seeking treatment and a culture of hypermasculinity.¹⁸⁸ It is notable that sports federations in many countries lack specific policies on athletes' mental health needs.¹⁸⁹ Doping also remains a significant concern, not only affecting the integrity of sports but also posing serious health risks to athletes, as many banned substances have long-term adverse effects on both physical and psychological well-being.¹⁹⁰

Athletes, especially as they advance in their careers, are at increased risk of experiencing various forms of interpersonal violence, including psychological, physical and sexual abuse.¹⁹¹ This risk can originate from different sources in the sports environment, including coaches, authority figures, fellow athletes and even fans. Studies suggest that athletes face a notably higher prevalence of psychological violence compared to the general population.¹⁹² Female athletes are at a higher risk of experiencing sexual violence compared to their male counterparts, yet sexual violence remains a risk for athletes regardless of gender and across different countries.¹⁹³ A culture of silence in many sports organizations can perpetuate abuse and isolate athletes, making it easier for violations to go unnoticed.¹⁹⁴ Notably, sexual abuse is a particularly grave and widespread issue among vulnerable groups in the sporting community, including child athletes,

¹⁸³ Safe Work Australia, "Table 4.4: Treatment of Sportspersons and Sporting Injuries", in *Comparison of Workers' Compensation Arrangements in Australia and New Zealand 2021*, 28th edition, 2021; Eric Windholz, "Inquiry into Concussions and Repeated Head Trauma in Contact Sports", submission to the Senate Standing Committees on Community Affairs (Monash University, 2023).

¹⁸⁴ Laura Hunter, "Future of Football: Why ACL Injuries Have Been on Rise in Women's Game – and the Technology and Solutions to Fix It", *Sky Sports*, 12 September 2023.

¹⁸⁵ Kathrin Steffen et al., "Illness and Injury among Norwegian Para Athletes over Five Consecutive Paralympic Summer and Winter Games Cycles: Prevailing High Illness Burden on the Road from 2012 to 2020", *British Journal of Sports Medicine* 56, No. 4 (2021): 1–10.

¹⁸⁶ Rosemary Purcell et al., "An Evidence-Informed Framework to Promote Mental Wellbeing in Elite Sport", *Frontiers in Psychology* 13 (2022): 1–6.

¹⁸⁷ João Mauricio Castaldelli-Maia et al., "Mental Health Symptoms and Disorders in Elite Athletes: A Systematic Review on Cultural Influencers and Barriers to Athletes Seeking Treatment", *British Journal of Sports Medicine* 53, No. 11 (2019): 707–721.

¹⁸⁸ Castaldelli-Maia et al.

¹⁸⁹ Franco Noce et al., "Mental Health in Brazilian Sport: Olympic, Paralympic, and Soccer Athletes", in *Mental Health in Elite Sport*, edited by Carsten Hvid Larsen et al., 45–56 (Routledge, 2021).

¹⁹⁰ Vita Birzniece, "Doping in Sport: Effects, Harm and Misconceptions", *Internal Medicine Journal* 45, No. 3 (2015): 239–48.

¹⁹¹ Ingrid Beutler, *Final Report of the Consultation Process to Consider the Creation of an International Safe Sport Entity* (Beutler International Sports Advisory, 2021), 9.

¹⁹² Jeannine Ohlert et al., "Elite Athletes' Experiences of Interpersonal Violence in Organized Sport in Germany, the Netherlands, and Belgium", *European Journal of Sport Science* 21, No. 4 (2021): 604–613.

¹⁹³ Ohlert et al., *Elite Athletes' Experiences*; Jeannine Ohlert et al., "An Empowering Climate as a Protective Factor against Sexual Violence in Sport?", *Social Sciences* 11, No. 8 (2022): 330–342; Victoria Roberts, Victor Sojo and Felix Grant, "Organisational Factors and Non-Accidental Violence in Sport: A Systematic Review", *Sport Management Review* 23, No. 1 (2020): 8–27. Several factors contribute to this risk in sports, including organizational tolerance, the presence of strong hierarchies and power imbalances, and intentional physical and psychological isolation of athletes.

¹⁹⁴ Susanne Johansson, "From Policy to Practice: Measures Against Sexual Abuse by Swedish Sports Federations", *Frontiers in Sports and Active Living* 4 (2022): 1–13.

para-athletes and LGBTIQ+ athletes.¹⁹⁵ The consequences can be devastating and long-lasting, including loss of self-esteem, depression, anxiety, substance use disorders and even suicide.¹⁹⁶

3.5.2. International labour standards

Athletes' fundamental right to OSH are set out by the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The two Conventions promote a holistic approach to the governance of OSH, one that is both policy-oriented and focused on prevention.

Convention No. 155, which applies to all branches of economic activity, provides the cornerstone of protecting workers from OSH risks. It requires Member States, in consultation with employers and workers' organizations, to establish a coherent national policy on OSH "to prevent accidents and injuries to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment" (Art. 4(2)). In the context of sports, this entails mitigating hazards specific to various sports, such as concussion risks in the context of rugby or American football, so far as is reasonably practicable. The Convention delineates specific areas for consideration, including the safety of working environments, equipment, substances and processes, along with training relevant individuals on achieving adequate safety and health levels (Art. 5).

At the workplace level, Convention No. 155 mandates employers to ensure, so far as is reasonably practicable, that workplaces and processes under their control are safe and without risk to workers' health (Art. 16(1)). This would include, for example, providing adequate protective clothing and protective equipment to prevent the risk of accidents or adverse effects on the health of athletes (Art. 16(3)). Importantly, OSH measures "shall not involve any expenditure for the workers" (Art. 21). In other words, athletes should not be required to shoulder the costs of measures required to protect their health and safety. Moreover, arrangements shall be made to ensure that athletes and their representatives receive adequate information, training and the opportunity to enquire into and be consulted on OSH measures related to their work (Art. 19). Importantly, the term "health" in relation to work is defined not only as "the absence of disease or infirmity" but also encompasses "the physical and mental elements affecting health which are directly related to safety and hygiene at work" (Art. 3(e)).

Convention No. 155 is complemented by the Occupational Safety and Health Recommendation, 1981 (No. 164) and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, which calls for the establishment and periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases.

Convention No. 187 aims to establish coherent national policies on OSH by fostering dialogue among governments and employers' and workers' organizations. It emphasizes cultivating a national preventive safety and health culture, wherein "the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority" (Art. 1(d)).

To realize this goal, the Convention encourages the adoption of suitable national policies (Art. 3), national systems (Art. 4), and national programmes (Art. 5). National policies, formulated in line with Convention No. 155, should promote fundamental principles such as assessing and addressing occupational risks, as well as fostering a national preventive safety and health culture through information, consultation and training (Art. 3(3)). The national OSH system, defined as the infrastructure supporting the implementation of national OSH policy and programmes, should include laws, collective agreements where applicable, compliance mechanisms, OSH research, data collection on occupational injuries and diseases, and collaboration with insurance or social security schemes for occupational injuries and diseases, among other things (Arts 1 and 4). Finally, Convention No. 187 requires Member States to adopt national programmes outlining

¹⁹⁵ Beutler, 9.

¹⁹⁶ Beutler, 9.

specific OSH objectives, priorities, action plans and methods for evaluating progress within a predetermined time frame (Art. 1(c)).

Convention No. 187 is complemented by the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), which encourages Member States to promote “a management systems approach to occupational safety and health”.

While not fundamental Conventions, a number of other international labour standards set out principles relevant to OSH in the world of sports. The Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985, collectively stress the importance of specialized and easily accessible occupational health services for all workers across economic sectors. Convention No. 161 mandates the establishment of occupational health services at the enterprise level, focusing on preventive and advisory functions, through laws, regulations, collective agreements or other approved methods (Arts 1 and 6). Recommendation No. 171 underscores the need for easily accessible occupational health services, ideally situated in or near the workplace or organized to ensure that functions are carried out on-site (Para. 32). Employers are encouraged to collaborate with workers and their representatives to implement organizational measures related to occupational health services on an equitable basis (Para.33).

The List of Occupational Diseases Recommendation, 2002 (No. 194) provides for the establishment of a “national list of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation” (Para. 2). The list of occupational diseases (revised in 2010) includes a range of diseases that may affect professional athletes, including those caused by latex or latex-containing products and chlorine (pertinent to water sports) and those caused by physical agents such as exposure to extreme temperatures (pertinent to winter sports).

Finally, Convention No. 190 and its accompanying Recommendation No. 206 provide a common framework for the protection of athletes from violence and harassment in the world of work, including gender-based violence and harassment (see also section 3.4.1 above).

3.5.3. Good practices

Sports organizations, governments and athletes’ unions can promote the OSH of professional athletes through various best practices, including by adopting preventive measures to address sports-specific risks in training and competition environments, engaging in collective bargaining on improving player welfare and ensuring that athletes have access to mental health services.

Professional sports organizations have adopted a range of policies to mitigate OSH risks, tailored to the specific demands of each sport. For instance, the NFL in the United States, in collaboration with the NFL Players Association and experts, has developed comprehensive “concussion protocols” to detect and manage the risks associated with sport-related concussions such as chronic traumatic encephalopathy.¹⁹⁷ These protocols encompass pre-season education and baseline testing for players, gameday concussion surveillance and rigorous protocols and procedures, as well as stringent return-to-play guidelines.¹⁹⁸ The NFL has also worked with the NFLPA to enhance player protection by implementing safety-related rule changes and enhancing safety equipment.¹⁹⁹ Notably, a 2020 CBA between the NFL and the NFLPA provided for the creation of a new committee to design safety standards for equipment.

¹⁹⁷ Jaclyn Jacobi et al., “The National Football League Concussion Protocol: A Review”, *HSS Journal* 19, No.3 (2023): 269–276.

¹⁹⁸ Jacobi et al.

¹⁹⁹ NFL Football Operations, “Health and Safety: Protecting Players”.

Similarly, World Rugby has taken successive measures to mitigate the risk of concussion during tackling, such as imposing stricter penalties for accidental and reckless head contact and introducing a high tackle sanction framework to regulate sanctions during matches.²⁰⁰

In the world of cycling, injuries have been increasing, especially among elite athletes during major events.²⁰¹ Following a stakeholder consultation process, the Union Cycliste Internationale (UCI) approved a series of measures to improve the safety of cyclists during competition events in 2021.²⁰² Building on these efforts, the UCI, alongside various professional road cycling stakeholders, announced the creation of an independent entity dedicated to improving the safety of competitions called SafeR (SafeRoadcycling) in 2023.²⁰³ The newly formed entity will analyse the risks associated with the UCI WorldTour, the UCI Women's World and UCI ProSeries race routes, offer safety guidance to stakeholders in professional road cycling, conduct safety audits on race organizers and teams (including their riders) and issue quarterly safety reports.²⁰⁴

Player associations have responded to the growing workload demands by developing new tools and negotiating dedicated provisions in CBAs. Thus, FIFPRO has developed a digital platform to track the health and workload of professional football players globally, with the aim of facilitating the integrated management of match calendars and player workload.²⁰⁵ The 2020 CBA between the NFL and the NFLPA also includes negotiated rest periods to ensure player recovery.²⁰⁶

Several sports organizations have established frameworks dedicated to supporting athletes' mental health. For example, the IOC published a toolkit to assist Olympic stakeholders in developing and implementing initiatives for the protection and promotion of mental health and well-being in elite athletes.²⁰⁷ At the national level, the Australian Institute of Sports has established a national mental health referral network of mental health practitioners providing confidential psychological support that is available free of charge to thousands of athletes in Australian high-performance sports.²⁰⁸ In 2022, the Brazilian Confederation of Volleyball launched a course to help young elite athletes and those who work with them to better address mental health issues.²⁰⁹ Almost all international sports federations are partners of the World Anti-Doping Agency and have respective anti-doping policies.

²⁰⁰ Martin Raftery, Ross Tucker and Éanna Cian Falvey, "Getting Tough on Concussion: How Welfare-Driven Law Change May Improve Player Safety: A Rugby Union Experience", *British Journal of Sports Medicine* 55, No. 10 (2021): 11–13.

²⁰¹ Heather S. Haeberle et al., "Prevalence and Epidemiology of Injuries Among Elite Cyclists in the Tour de France", *Orthopaedic Journal of Sports Medicine* 6, No. 9 (2018): 1–5.

²⁰² UCI, "Rider Safety: New Regulations in 2021 – Explanation Guide for Organisers, Teams and Riders", 2021. The new regulations, part of a comprehensive security plan, are directed at organizers, teams and riders, and they cover barrier installations and race routes, vehicle circulation in the race convoy and the discarding of objects, among other issues. Event organizers are required to appoint an event safety manager, who must undergo dedicated UCI training and deliver important safety information. The regulations also provide for the establishment of a race incident database to enhance UCI's ability to address in-race safety concerns effectively.

²⁰³ Stakeholders consisted of the Association Internationale des Organisateurs de Courses Cyclistes, the Association Internationale des Groupes Cyclistes Professionnels, UNIO – the association of women's cycling teams, the Cyclistes Professionnels Associés (CPA) and CPA Women.

²⁰⁴ UCI, "Stakeholders of Professional Road Cycling Unite to Launch SafeR, an Independent Entity to Improve Professional Road Cycling Safety", 30 June 2023.

²⁰⁵ FIFPRO World Players' Union, "Player Workload Monitoring: An Analytical Tool from FIFPRO and Football Benchmark".

²⁰⁶ NFL and NFLPA.

²⁰⁷ International Olympic Committee, "IOC Mental Health in Elite Athletes Toolkit", 2021.

²⁰⁸ Australian Sports Commission, "AIS and AOC Partnership Supporting Athlete Mental Health", 22 June 2021.

²⁰⁹ Sejeong Lee, "CBV Launches the Course about Athletes' Mental Health", *Medium*, 5 November 2022.

► 4. Conclusions

As this technical brief has sought to demonstrate, fundamental principles and rights at work and related ILO standards are highly relevant to the world of sports and provide a framework for addressing important challenges in sports and improving conditions for professional athletes. The ILO considers fundamental principles and rights at work as “mutually interdependent and reinforcing”. In this respect strengthening respect for one principle can reinforce respect for the others. Social dialogue can be an effective strategy for sports bodies and players’ organizations to improve occupational safety and health, extend protection of minors, and address discrimination and gender equality. Strengthening gender equality, in particular by promoting women’s leadership and coaching in sports, can bolster efforts to protect minors and act against gender-based violence and harassment.²¹⁰ Attention to forced labour issues is also key to protecting young athletes from trafficking and forms of child labour. An integrated approach to fundamental principles and rights at work can therefore strengthen protection of athletes on numerous fronts.

The ILO also considers that fundamental principles and rights at work are the starting point for a virtuous circle of effective social dialogue, better incomes and conditions for workers, increased consumer demand, more and better jobs and social protection, rural development, rising enterprise productivity, and of formalizing the informal economy.²¹¹ In this respect FPRW are not only important for protecting athletes from exploitation and abuse but are also a key means of developing the sports industry, thereby growing individual sports disciplines and attracting more athletes, larger competitions and ultimately more fans.

In 2020, the ILO’s Global Dialogue Forum on Decent Work in the World of Sport recognized that governments and social partners were already making progress in relation to the fundamental principles and rights at work. In some sports disciplines and countries, the application of FPRW is advanced and has established a number of good practices and policies. In other disciplines and countries, the implementation of FPRW is nascent. The promotion of social dialogue is a good starting point for such an endeavour, as it brings together relevant stakeholders to identify key challenges and elaborate possible solutions. As sport varies greatly across regions and disciplines, social dialogue should be promoted through innovative approaches. It is hoped that this brief can support such efforts to promote social dialogue and through it respect for fundamental principles and rights at work for professional athletes and in the wider world of sports.

²¹⁰ UNESCO and UN Women, *Tackling Violence Against Women and Girls in Sport. A Handbook for Policy Makers and Sports Practitioners*, 11.

²¹¹ ILO, *Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023*, 2017.

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