



evolving athlete activism; mobilizing
the legal community in the fight for
“athletes’ rights”

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Foundation of Athlete Activism

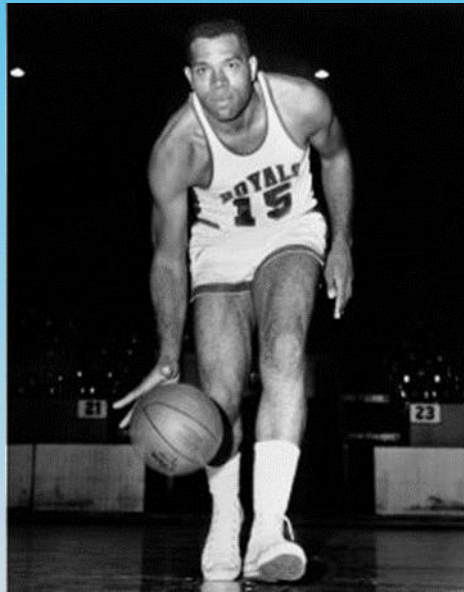
Mexico 1968



Photo source wikipedia

1964 All-Star Basketball Game

Cincinnati's Wayne Embry



Tom Heinsohn was the
NBPA President





Recent Athlete Activism

Lebron James

The Decision



Social Protest #WeAreTrayvonMartin



Source ESPN

Women's Team Sports

US Women's National Team



US Women's Hockey Team
Boycott



Source npr.org

Colin Kaepernick CRIMINAL & SOCIAL JUSTICE PROTESTS

Taking A Knee



Source Birmingham Times

NIKE Ad



Source cnbc.com

DOSB Athletes' Commission chair suggests all Olympians be paid participation grant

DOSB President Alfons Hörmann

Funding for Independent German athletes group approved by Government



Source insidethegames.biz



Source insidethegames.biz

Athlete representatives from the International Olympic Committee and the World Anti-Doping Agency Speak Out



Letters to WADA from the chairs of Athlete Commissions in Europe, Asia and Africa complaining about what they claimed was "no proper representation of elected athletes" at the two-day event in Calgary.



Independent Athlete Associations Working Group Letter to Bach

Players' Union, Rights Activists Urge IOC to Shelve Charter

“The failure to follow a best practice framework for developing and articulating the rights and responsibilities of athletes on this scale would undermine the very nature of the initiative's intent. Based on the level of stakeholder engagement and lack of transparency in process to date, as well as the lack of a framework for the development of this document, we, as athletes and athlete representatives from across the world, are unable to support the Athletes' Declaration”

Source <https://www.nytimes.com/aponline/2018/10/05/sports/olympics/ap-oly-ioc-athlete-charter.html>

The Athletes' Rights and Responsibilities Declaration (IOC Athletes' Declaration)

The Athletes' Declaration was presented to and adopted by the 133rd IOC Session (9 October 2018) in Buenos Aires on behalf of the Olympic Movement.

- EMPOWER ATHLETES
- TACKLE KEY ISSUES
- SHAPE THE FUTURE

Source <https://www.olympic.org/athlete365/athletesdeclaration>



CURRENT ATHLETES' RIGHTS ISSUES

NCAA Governance Meetings



Source ncaa.org



LACK OF GOOD GOVERNANCE

- *IAAF Council member Okeyo banned from athletics for life for siphoning off funds from Nike sponsorship deal (Insidethegames.biz)*
- *IAAF bans four senior officials over alleged doping cover-ups (Theguardian.com)*
- *DOJ Issues Subpoenas in Investigation Into International Sports Corruption (si.com)*
- *U.S. House passes bill to protect young athletes from abuse (Reuters)*

IOC COMMISSION MEETING



Source Olympic.org/en



LACK OF GOOD GOVERNANCE

- *U.S. lawmakers expand probe of Olympics sexual abuse (marketwatch.com)*
- *Two (T&F) coaches charged with rape and sexual assault (arcyworld.com)*
- *Apology issued after Zimbabwe rugby team sleep in street before Tunisia match (insidethegames.biz)*
- *Former WADA director general compares FIFA to mafia organisation as warns of growing criminal influence in sport (insidethegames.biz)*



LACK OF ECONOMIC BENEFITS

- *Pyeongchang 2018 claim \$55 million surplus from Winter Olympics as IOC vow to give share to Korean sport (insidethegames.biz)*
- *IOC Winter Games-derived payments to NOCs and International Federations slip below \$200 million (insidethegames.biz)*
- *Sponsorship income jumps as IOC report \$99 million deficit for 2017 (insidethegames.biz)*

Where's the Money?



Source <https://tenor.com/view/alabama-football-rolltide-gif-4790159>



LACK OF ECONOMIC BENEFITS . . .

- *Looking for savings, Olympics contemplates slashing funds for athletes village (washingtonpost.com)*
- *British weightlifters turn to crowdfunding after being told to fund own way to Tokyo 2020 (insidethegames.biz)*
- *German panel urge Bach to change Rule 40 and give athletes more money (insidethegames)*
- *German group vow to continue working towards increasing benefits for athletes after meeting with IOC (insidethegames.biz)*



Source insidethegames.biz



ATHLETE FREE EXPRESSION RIGHTS

- Ukraine bans athlete for six month after criticises team kit (insidethegames.biz)
- England stars ordered to cover up tattoos at Rugby World Cup 2019 in Japan because of mafia links (dailymail.co.uk)
- Calgary to host first WADA Global Athlete Forum as frustration over response to Russian crisis continues (insidethegames.biz)



ATHLETE FREE EXPRESSION RIGHTS . . .

- IOC Executive Board member claims athletes deliberately snubbing Russians are violating Olympic spirit
- Simone Manuel Rewrites Athlete Activism With TYR Sport Inclusion Rider (forbes.com)

SILENCING OF ATHLETE VOICES



Source google.es



RECENT CASE STUDIES



2018 “Athletes’ Rights” Issues

GOVERNANCE & ATHLETE REPRESENTATION “THEATRE”

- ❖ Does Athlete Commission truly represent all athletes?
- ❖ Can “internal” Athlete Commissions operate “independently”?



Source [insidethegames.biz](https://www.insidethegames.biz)



2018 “Athletes’ Rights” Issues . . .

SAFESPORT & DUE PROCESS

- ❖ Athletes need protection from predators by sport governance administrators
- ❖ Sexual predators and abusers must be punished with *appropriate due process*
- ❖ Athletes, coaches and bystanders must be educated to provide appropriate assistance



2018 “Athletes’ Rights” Issues . . .

COMPENSATION- LACK OF LIVING WAGE

- ❖ Corruption and self interest among sports administrators preventing flow through of financial resources to athletes
- ❖ Guaranteed compensation needed for all athletes (exceptions for highly compensated athletes)
- ❖ Athlete pension plans needed (qualification criteria)



Source express.com.uk



2018 “Athletes’ Rights” Issues . . .

HEALTHCARE COVERAGE INADEQUACY

- ❖ National Team Athletes removed from plan when injured or pregnant
- ❖ Emerging Athletes – non-collegians – no sports organization-provided coverage



Source medicine.net



2018 “Athletes’ Rights” Issues . . .

IMPOSED CONTRACTUAL TERMS

- ❖ Athlete Codes of Conduct & National Team Terms & Conditions (Sponsor Obligation)
- ❖ IAAF Standard Athlete Agent Agreement and Regulations



2018 “Athletes’ Rights” Issues . . .

KEY SPORTS ENTITY COLLUSION & ATHLETE RESTRICTIONS

- ❖ International Skating Union's restrictive penalties on athletes breach EU competition rules
- ❖ IAAF Agent “cooperation” with IAAF-sponsored and owned competitions
- ❖ IAAF “Required” Athlete-Agent Agreement (hidden Regulations and “clickthrough agreement”)



2018 “Athletes’ Rights” Issues . . .

SURREPTIOUS REMOVAL OF & ONEROUS IMAGE RIGHTS

- ❖ Athlete Codes of Conduct & National Team Terms and Conditions (Sponsor Obligation)
- ❖ IAAF Standard Athlete Agent Agreement and Regulations



Source blurmediaphotography.com



OPPORTUNITIES FOR ATTORNEYS & LAW SCHOOLS

- Attorney Pro Bono Assistance to Athletes
- Law School Clinics can Assist Athletes
- Formation of Strategic Think Tanks with Independent Athlete/Players Associations
- Attorney public Advocacy (articles and public speaking)
- Media Strategy



The end

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QUESTIONS

