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## ANALYSIS OF THE STATUS OF WOMEN ATHLETES' RIGHTS IN EUROPE



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# LIST OF ACRONYMS

V.E.R.A. - Voice for Equality and Rights of women Athletes

## **International & European institutions:**

CoE - Council of Europe

EU - European Union

ILO - International Labour Organisation

## **Sports federations and institutions:**

FIBA - International Basketball Federation

FIFA - Fédération Internationale de Football Association

FIVB - Fédération Internationale de Volleyball

IHF - International Handball Federation

IFs - International Sports Federations

IOC - International Olympic Committee

ITF - International Tennis Federation

UCI - Union Cycliste Internationale

WAq - World Aquatics

WAt - World Athletics

WR - World Rugby

## **Other:**

CBA - Collective Bargaining Agreement

# PRESENTATION

Voice for Equality and Rights of women Athletes (V.E.R.A.) is a 2-years project that aims at protecting and advocating for women elite athletes' rights in Europe.

This project intends to be a new step towards the development of women's sports in Europe: it aspires to increase inclusion, diversity, and fairness in the European sport system by enhancing the protection of women athletes' rights, empowering athletes themselves and organisations that represent them to work towards this objective.

The implementation of four main objectives will achieve this purpose:

- Improve representation and support for women athletes' rights.
- Increase awareness among the European sport system on the benefits and the added value that gender equality and diversity can bring to sports.
- Create a European platform for athletes, organisations, and professionals to exchange best practices and possible solutions to common challenges.
- Promote mentoring and mutual support between athletes and professionals of organisations that represent and support them.

The Italian National Association of Women Athletes, **ASSIST**, has been actively involved for over 20 years in the defence and protection of women athletes' rights, and it serves as the project's coordinator.

The consortium gathers other committed partners:

- **Alice Milliat Association**, a French association that aims at promoting women's sports in Europe;
- **Asociación de Jugadoras de Fútbol Sala (AJFSF)**, the Spanish Association of female futsal players;
- **CRESTA**, a European sports law firm;
- **Nogometna zveza Slovenije (NZS)**, the Slovenian Football Association;
- **Sport Evolution Alliance (SEA)**, a Portugal association committed to the development of sports practice;
- **The European Association of Sport Employers (EASE)**, a European non-profit association, aims to promote employers' representativeness in Europe and social dialogue in the sports sector.

Each of the partners will bring their perspective to work on advancing and defending women athletes' rights and ensuring that they are treated equally to male athletes. The project's initial phase involves conducting a comprehensive analysis focusing on the rights of female athletes.



# ABSTRACT

This paper is a component of the V.E.R.A. project, which stands for the Voice for Equality and Rights of women Athletes. One of the project's main objectives is to improve the representation and support of women athletes' rights. This analysis aims explicitly to examine the status of women athletes' rights in Europe to enhance their protection and raise awareness about their concrete situation.

The research will mainly focus on women athletes considered elite athletes. This criterion includes individuals who are part of their country's national team, as well as those who consistently perform at the highest level in national competitions, such as the first national division, regardless of their professional status. Thus, the analysis will address four critical topics identified as essential for the well-being of athletes. It includes financial support and social welfare rights, maternity rights, technical and medical support, and access to facilities. These topics will be covered in relation to a few select sports: football (including futsal), basketball, rugby, handball, tennis, cycling, swimming, and athletics.

Consequently, it should provide valuable insights for European athletes across different disciplines. In this regard, extensive research has been conducted into various high-profile institutions and sports regulatory bodies, including the International Labour Organization (I.L.O.), European Union (E.U.), Federation Internationale de Football Association (FIFA), International Basketball Federation (F.I.B.A.), Union Cycliste Internationale (U.C.I.), International Olympic Committee (I.O.C.), and others. The analysis tackled the policies, programs, and initiatives these institutions have carried out to support women's sports and elite sportswomen.

Therefore, the first part intends to afford an exhaustive understanding of athletes and women's conditions measures that these organisations have implemented. Therefore, several crucial provisions that could benefit European elite sportswomen have been identified. From the key topics, financial support and maternity rights are the main issues those organisations address. Other topics related to sportswomen's condition have also been added to the analysis, such as legislation on family leaves and work-life balance or measures for the development of women's elite sport.

In the second part, based on interviews and a survey campaign which gathers answers from athletes and sports organisations, this paper will also try to depict the experiences and feedback of women athletes in Europe regarding the four key issues. It intends to highlight the possible gap between the written words and the actual reality of sportswomen in Europe.

The overall objective is to offer an in-depth and comprehensive analysis of the various regulations that may affect elite women athletes' welfare throughout Europe, regardless of the existing national law. Additionally, it should also provide some good practices and guidance in order to contribute to improving women athletes' condition in the European sport sector.

# INTRODUCTION

The situation of women in sports, particularly elite sportswomen, reflects the inequalities between men and women in our society. Indeed, giving a place to women in sport was not effortless, and this achievement is the result of a long-lasting fight for gender equality. It was only since the Paris 1900 Olympic Games edition that women were allowed to compete. Since then, the participation of women in sports competitions has never stopped growing. For instance, while only 2 % of athletes were women in 1900, 48 % of athletes at the Tokyo 2020 (2021) Olympic Games were women[1]. The Paris 2024 Olympic Games should be the first to truly respect a perfect parity between men and women athletes[2].

However, **a substantial gap exists between women's and men's athletes' training conditions and opportunities**. It can take different forms and concern various aspects of athletes' performance, including exposure, social protection, and monetary compensation. *The European Union (EU) Strategy for Gender Equality*[3], adopted in 2021, underlines that women are facing a significant number of obstacles in the field of sport. The Council of Europe (CoE) also identified a pay gap in sports regarding athletes' contractual earnings, sponsorship, endorsements, and prize money[4].

From the specific cases of competitions planning lower prize money for female athletes to a general imbalance between sportsmen and sportswomen, the situation does not allow for a steady development of women's sports practice and continues to feed gender biases. As a result, women athletes are less likely than men to pursue a career in sports because they often must make greater sacrifices for a lower outcome.

Thus, the V.E.R.A. project aims to address the issue of women athletes' rights, with a particular interest in the rights of elite athletes.

In this analysis, we acknowledge that different elements define an **athlete**: it can refer to amateur athletes in grassroots associations as well as players in professional teams. However, to ensure a relevant scope, the analysis will mainly focus on **elite athletes**, including but not limited to professional athletes. It is essential to clearly define these notions because they relate to different realities depending on each Member State of the European Union.

**The definition of a professional athlete is not homogeneous at the International and European levels**, as different criteria apply in each national sport system. According to the *International Labour Organization (ILO) Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*[5], a *professional athlete* is defined as "an athlete who gains income through competitive sport and whose activities are controlled by a sports organization, such as a club or federation", including specifically athletes "whose only professional activity is sport, either as employees or as contract players of sports clubs" and "athletes who may have other jobs but who spend significant time training and competing in sports competitions from which they derive income, such as athletes in some Olympic disciplines".

This definition of a professional athlete can be seen as a broad definition as, for example, under French law, a *professional athlete* is "any person whose remunerated activity is the exercise of a sporting activity in a legally subordinate relationship with a sports association or company"[6]. Under Italian law, a *professional athlete* is a person "who exercises sports activities in favour of a sport club for consideration with continuity, within the disciplines regulated by the Italian National Olympic Committee that have recognised professionalism"[7]. In Italy, only four disciplines are recognised as professionals: football, cycling, golf, and basketball. As the definition of a "professional athlete" is based on each specific national situation, **the scope of this analysis does not depend on the professional status that athletes may or may not have under the relevant national law.**

Rather than focusing on professional status, this analysis examines **elite athletes' sports practice conditions in European countries**. When a person is a national team member or belongs to the national elite framework (such as the first national division), they can be considered an elite athlete. They are not necessarily professionals but still require many resources to perform. This analysis aims to identify the protection or guarantees these athletes earn in response to their investment in sports practice.

Indeed, following several cases of problems relating to the **social protection of elite athletes**, new questions are being raised about the conditions under which elite sportswomen practice their sport. As these athletes devote much time to their sport, which might put them at risk, the interrogation arises as to whether they are entitled to social protection. In the *ILO World Social Protection Report 2017-19*[8], *social protection* is "a human right and is defined as the set of policies and programmes designed to reduce and prevent poverty, vulnerability and social exclusion throughout the life cycle". It includes nine main areas, such as child and family benefits, maternity protection, employment injury benefits, and old-age benefits, also included in the *European Code of Social Security*[9] established by the CoE in 1964 and revised in 1990. These elements derive from the *ILO Social Security (Minimum Standards) Convention No. 102*[10], adopted in 1952. Under this convention, *social protection* refers to the various programs that might protect workers. They include different benefits established to prevent any risk that might prevent workers from exercising their occupation and earning remuneration (such as sickness or injury).

However, social protection generally applies to workers, whereas elite athletes may not have worker status. Moreover, their sports practice can be independent, so they do not necessarily benefit from social protection rights. Therefore, this analysis aims to determine the extent to which elite sportswomen have any support to help them in their performance or any protection concerning the risks they face while practising their sport.

This analysis addresses the status of elite women athletes in Europe to raise awareness about their rights. All the areas previously mentioned regarding social protection might not apply to the specific situation of athletes. Thus, the focus will be on four key issues that appear to be the most impactful and essential regarding the sport performance of women athletes:

- Financial support and social welfare rights;
- Maternity rights;
- Technical and medical support;
- Access to facilities.

First, reviewing the **legal and regulatory framework of sport practice** will help determine to which extent this framework establishes specific measures for women athletes' performance. The leading international organisations, such as the ILO, the CoE and the EU, have established a general framework for protecting workers' and women's rights that may apply to women athletes in Europe. International Sports Federations (IFs) regulatory documents complete this legal framework.

The project partners agreed that this study would focus on a limited number of sports: **basketball, football (and futsal), volleyball, handball, rugby, tennis, cycling, swimming and athletics**. These sports have been chosen with a balance between individual and team sports, which are sufficiently developed and structured in European countries. However, national disparities and specificities remain within the European Union.

Secondly, a **survey campaign** was carried out targeting elite athletes and sports institutions in Italy, Portugal, France, Slovenia and Spain. These questionnaires draw a picture of the concrete situation of women elite athletes in different European countries, as these inputs complement the legal overview studied in the first place.

All these elements will provide **an overview of the situation of elite women athletes in Europe**, considering the **variations that come from the heterogeneity of the Member States**.



# PART 1 – THE LEGAL AND REGULATORY LANDSCAPE OF WOMEN ATHLETES' RIGHTS IN EUROPE

As elite athletes, sportswomen face many challenges to produce high-level sport performance. Nevertheless, among European countries and due to the great diversity of sport disciplines, women athletes receive distinct support and protection.

Some leading institutions produce international and European acts. However, to understand how these provisions may apply to sportswomen, it is crucial to comprehend their scope and authority over national sports systems. Indeed, these provisions are related to their status, which may differ depending on the discipline and the country in which they practice their sport.

Additionally, international sports federations tend to interfere with national sport systems, thanks to their internal regulation that sometimes help the protection of sportswomen. These regulations only apply to the considered discipline. Nonetheless, they help indicate the level of protection and consideration for elite women athletes. Moreover, it is crucial to understand their scope and authority on national or local stakeholders for each discipline.

Analysing and comparing the scope and content of the legal and regulatory framework applicable to elite sportswomen in Europe provides a better understanding of the support and protection they are entitled to as high-level athletes.

Two key issues stand out Among the topics this study aims to address: **financial support and maternity rights**. They create the most interventions from international and European institutions or IFs. To complete this analysis, secondary topics related to gender equality and women in sports, considered by sports and leading institutions, will also be presented. Indeed, this can help draw a broad picture of elite sportswomen's protection in Europe.

## THE GENERAL FRAMEWORK FOR THE PROTECTION OF SPORTSWOMEN BY THE LEADING INSTITUTIONS

In this analysis, we have identified the **central bodies** at the international and European levels that could recognise specific rights for athletes or women. Thus, the provisions of three institutions were analysed. At the international level, the reference institution is the ILO. At the European level, the CoE and the EU are the two central bodies that may recognise specific rights for women and athletes.

### THE INTERNATIONAL LABOUR ORGANIZATION

The **International Labour Organization (ILO)** is a tripartite United Nations agency that gathers "governments, employers and workers of **187 Members States**". This organisation aims "to promote rights at work, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues"[[11](#)]. The ILO is well known internationally for its conventions and recommendations used as tools for setting international Labour standards. The ILO can also adopt declarations which are not subject to ratification[[12](#)] but still have political and symbolic values.

Until now, the ILO has not yet invested significantly in sport, as the structuration and professionalisation of the sector are ongoing. However, the ILO's interest in developing its expertise in this sector is growing. This interest can be illustrated through a cooperation agreement signed with the International Olympic Committee (IOC) and various supporting programmes about sport. For instance, the ILO was part of the Mega Sporting Events Platform for Human Rights, which established the Centre for Sport and Human Rights[[13](#)] in 2018.

Therefore, the ILO did not adopt any specific convention or recommendation regarding athletes' rights. However, the ILO produced in 2020 an Issue paper on *Decent Work in the World of Sport* in 2020[[14](#)]. In this paper, the ILO acknowledges some issues related to work conditions and athletes' rights in the world of sport.

Regarding women workers' rights, the ILO has adopted specific conventions such as *Convention No. 183 on Maternity Protection*[[15](#)], *Convention No. 100 on Equal Remuneration*[[16](#)], or *Convention No. 156 on Workers with Family Responsibilities*[[17](#)].



## THE COUNCIL OF EUROPE

The **Council of Europe (CoE)** is a regional organisation founded in 1949 after World War II. The Council of Europe is gathering **46 Member States**. This organisation aims to ensure the political reconstruction of Europe after the War and prevent other conflicts. Thus, the reconstruction of Europe within the CoE implies setting common and fundamental European values. The CoE is described as the "**guardian of Human Rights**"[\[18\]](#). For instance, the CoE established the European Court of Human Rights through the *European Convention on Human Rights*.

To achieve its objective, the CoE can initiate various acts, including conventions and recommendations.

The CoE has played an early role in the European sport sector. Already in 1976, the *European Sport for All Charter* was adopted. Then, in 2007, as a way to deepen its sports policy, the *Enlarged Partial Agreement on Sport* was established. Its purpose is "to promote sport and to highlight the positive values it conveys". This agreement was also appointed to set "international standards and develop a pan-European framework for co-operation"[\[19\]](#).

The CoE also adopted three conventions related to sport: the *Anti-Doping Convention*[\[20\]](#), the *Convention on the Manipulation of Sports Competitions*[\[21\]](#), and the *Safety, Security, and Service: the Saint-Denis Convention*[\[22\]](#). However, those conventions do not directly tackle the four key issues related to athletes' rights. Nevertheless, the CoE provides specific provisions related to women's condition in some conventions and recommendations[\[23\]](#).

Last, the CoE is part of the project 'ALL IN: Towards gender balance in sport', which intends to "extend and standardise the data collection based on the set of commonly agreed "basic" gender equality indicators and develop concrete capacity-building and awareness-raising materials and activities"[\[24\]](#).



## THE EUROPEAN UNION

Since the beginning, the **European Union (EU)** was established based on economic cooperation between the Member States: European Coal and Steel Community (1951), European Economic Community, and Euratom (1957). Then, the European Union was genuinely established in 1992[25]. Currently, **27 countries** are part of the EU, and their economic cooperation has deepened over the years.

Consequently, the European Union sets many rules (fundamental economic rights and competition law provisions) to guarantee a fair and sound market for all the operators. Throughout the years, the EU has obtained more attributes and competencies. The EU institutions can adopt legislative acts, such as directives, regulations, recommendations, or decisions. All these acts do not require the ratification of the Member States[26].

The EU saw sport primarily as an **economic activity** (as shown in the *Walrave & Koch* [12.12.1974 - Case 36/74][27] and *Bosman* decisions [15.12.1995 - Case C-415/93][28]) and did not intend to play a significant role in the European sport sector, apart from the economic issues. Since the *Treaty of Rome* in 2009, the EU acquired a specific competence in sport. The EU now has three main priorities in this field: "protect the integrity and values of sports, encourage socio-economic and environmental dimensions of sports, and promote participation in sports and health-enhancing activities"[29].

Within the EU's priorities, **protecting integrity and values in sports includes athletes' rights**. Currently, there is no directive or regulation on the rights of athletes or an apparent sports policy in the EU. Nevertheless, related to sports, the EU produced some specific documents, such as the *White Paper on Sport*[30] and the *EU Work Plan for Sport (2021-2024)*[31]. It also encourages initiatives in the European sport sector, including the V.E.R.A. project.

Furthermore, apart from the sports field, **specific directives** have been established regarding **women's rights and conditions in the EU frameworks**, such as the *Employment Equality Directive* (2000/78/EC)[32], the *Pregnancy Directive* (92/85/EEC)[33] or the *Work-life Balance Directive* (2019/1158/EU)[34]. These conventions apply to any worker in the EU, inside or outside the field of sport.



## THE SCOPE AND BINDING EFFECT OF THESE INSTITUTIONS' ACTS

These organisations may adopt different acts that need to be differentiated based on their **scope** and **binding force**. They may diverge as they depend on the ratification of these acts. *Ratification* is "the final step in approving an agreement by which the parties indicate their intention to be bound by that agreement. Once ratification has occurred, an agreement can be concluded and formally enters into force"[35]. With formal ratification, a Member State engages its responsibility. Contrarily, without this ratification, a Member State is not committed to implementing it, even if the convention is signed. Indeed, the ILO, the CoE or the EU provisions will only apply if the Parties ratify the relative convention or treaty.

Documents	Binding?		
	ILO	CoE	EU
Convention	○	○	
Treaty			○
Regulation / Directive			○
Recommendation	○	○	○

○ Legally binding

○ Legally binding only if the State has signed and ratified the convention

○ Not legally binding

When a Member State ratifies a **convention**, it commits itself to implement its provisions in its legal order. Moreover, once a Member State has ratified the **Council of Europe conventions**, the European Court of Human Rights oversees its implementation.

A **treaty** is legally binding between EU Members States. EU treaties set out: the rules and objectives of EU institutions and relations between the EU and the Members States. Every attribute or competences of the EU comes from the treaties.

Each Member State must implement a **regulation** across the EU without any adaptation to the national legal order. A **directive** binds every Member State to the intended outcome while granting national authorities the competence to determine the specific form and means of implementation.

A **recommendation** issues some guidelines and encourages the States to put that into practice.

## FOCUS: THE INTERNATIONAL OLYMPIC COMMITTEE

In addition to analysing the leading institutions that may intervene for elite athletes' protection, it seems worthwhile to also look at the actions of the **International Olympic Committee (IOC)**. With IFs, the IOC plays a significant role and sets essential principles in the world of sports.

The IOC was founded in 1894 as the "**leader of the Olympic movement and the guardian of the Olympic Games**"[36]. For instance, the *Olympic Charter*[37] provides that among its missions, the IOC aims at ensuring the representativeness of athletes, supporting measures related to the medical care and health of athletes, fighting for any political or commercial abuse of athletes, and encouraging the stakeholders (sports organisations and public authorities) to provide a social and professional future for athletes. Those principles apply to the entire Olympic Movement and highlight that "the athletes are at the heart of the Olympic Movement"[38].

The IOC brings together **206 National Olympic Committees**, which comprise national sports Olympic federations. Moreover, it also acknowledges several International Sports Federations (IFs), such as the International Basketball Federation (FIBA), Fédération Internationale de Football Association (FIFA), Fédération Internationale de Volleyball (FIVB), International Handball Federation (IHF), World Rugby (WR), International Tennis Federation (ITF), Union Cycliste Internationale (UCI), World Aquatics (WAq), and World Athletics (WAt).

Consequently, associations of federations were created: the Association of Summer Olympic International Federations, the Association of International Olympic Winter Sports Federations, and the Association of IOC Recognised International Sports Federations. Under those associations, it is around **80 IFs** recognised by the IOC. The IOC also recognised other organisations related to the world of sports[39].

**Being part of the Olympic Movement implies following the rules set by the IOC.** Within the fundamental principles of Olympism presented in the *Olympic Charter*, are the principles of non-discrimination, universality of sport, and preservation of human rights. The recognised IFs must comply with the *Olympic Charter*, the *World Anti-Doping Code*[40] and the *Olympic Movement Code on the prevention of the manipulation of competitions*[41].

Sports organisations must also follow the *IOC Code of Ethics*[42], which the IOC Ethics Commission oversees. If any breaches of the Code of Ethics occur, the commission can recommend punishments to the IOC executive board, such as suspension, withdrawal of recognition, or a reprimand. Those texts apply to National Olympic Committees, IFs, and recognised organisations.

As part of the *Olympic Charter* and the *IOC Code of Ethics*, sports organisations must comply with *the Basic Universal Principles of Good Governance within the Olympic Movement*[43]. In other words, regarding athletes' rights, they should provide "direct or indirect financial and technical support for athletes", protect athletes "from doping, manipulation of competitions, corruption in sport, all forms of discrimination and violence in sport, and all forms of harassment and abuse in sport"[44]. More specifically, among the topics concerned by this analysis, international sports organisations should also ensure "the promotion of women in sports at all levels and in all structures". One principle is reserved explicitly for **supporting athletes**: "appropriate measures should be taken to adopt and implement the Athletes' Rights and Responsibilities Declaration".

Indeed, in 2018, the 133rd IOC Session, on behalf of the Olympic Movement, adopted the *Athletes' Rights and Responsibilities Declaration*[45]. It has been "developed by athletes and for athletes through a worldwide consultation process", and it presents **12 rights and 10 responsibilities** for athletes[46]. For example, according to the four themes picked under this analysis, the declaration promotes the right for athletes to: "leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the intellectual property or other rights, rules of the event and of sports organisations as well as the Olympic Charter" and "the protection of mental and physical health, including a safe competition and training environment and protection from abuse and harassment".

This declaration sets "**aspirational**" **rights and responsibilities**, which aim to be a reference within sports organisations to guide the Olympic Movement's action. Within this principle, five more provisions sports organisations "should or shall" do to support athletes.

The IOC has the ambition to go "**beyond the games**". Therefore, different commissions or programs have been implemented to support athletes better. For instance, in 1971, the **Olympic Solidarity Commission** was established. It aims to "provide assistance to all the National Olympic Committees for athlete development programmes"[47]. There is also the **Athlete 365 career+**[48], an initiative to help athletes transition after their sports career: Athletes can have networking & mentoring opportunities, employment support, skills building, career planning and guidance. As the notion of dual careers is increasingly considered, such initiatives are needed in sports.

Other topics regarding women in sport are also mentioned at the institutional governance level. *The Basic Universal Principles of Good Governance within the Olympic Movement* states that "the organisation shall set out clear, open, appropriate, and objectives eligibility criteria [...], in its governing bodies, including in particular: – A balanced representation of genders among the members (with a minimum of 30% of each gender) – Athletes' representation with active participation in the decision-making processes – A special focus on diversity and inclusion"[49].

Nevertheless, as with international and European bodies, all those provisions are more likely to be guidelines rather than obligations for sports organisations. However, the key distinction lies in the fact that the provisions of the IOC are specifically intended for athletes.

At the international level and even more in the world of sports, the disparities from one country to another may be very variable. Consequently, it is more complicated to get truly harmonised regulations. Still, international regulations can intervene on these topics and highlight measures that would favour the professionalisation of the athletes.

Moreover, it also highlights that private entities (mostly non-governmental and not-for-profit Swiss associations), like the IOC or the IFs, can also address athlete's rights concerns. However, their provisions would hold contractual rather than legislative weight compared to the leading institution. Therefore, for instance, only the Olympic Movement members would be subject to the IOC's provisions.



# THE REGULATORY FRAMEWORK OF INTERNATIONAL SPORTS FEDERATIONS FOR THE PROTECTION OF SPORTSWOMEN

In conjunction with the documents issued by these international and European authorities, we also have decided to analyse the regulations of sports institutions in order to illustrate the status of women athletes' rights in Europe.

Furthermore, as **IFs are the leading sports institutions responsible for the organisation of elite competitions at the international level**, the study of their regulations will contribute to assessing the measures that sports institutions have implemented for the defence and development of women's rights at the elite level.

## THE AUTHORITY OF INTERNATIONAL SPORTS FEDERATIONS ACTS

IFs, as the highest institutions in each discipline, can issue regulations and statutes or acts. As this study focuses on a limited number of sports, the **review of the regulatory texts only includes the framework of the IFs for each discipline of the study**: FIBA, FIFA, FIVB, IHF, WR, ITF, UCI, WAq and WAt.

It is also important to register that **international law and national social provisions precede the IFs' measures**. IFs must also comply with national texts, including social commitments (for some sports, Collective Bargaining Agreements (CBA) apply priorly to international regulation measures).

The texts of these institutions are **binding for their members: the national federations**. The regulations primarily concentrate on organising international competitions and the day-to-day operations of international and national sports federations. For instance, even if the regulatory text does not specifically mention them, local sports clubs that are part of national federations are still required to follow the regulations.

However, **most of the time, the regulatory texts of IFs do not directly aim at organising the performance of elite athletes internationally, and federations rarely enforce specific measures for high-level leagues or clubs**.

Federations tend to interfere directly with clubs' organisations only if their regulations present some provisions related to drafting contracts between athletes and clubs. These provisions mainly concern the transfers between clubs, especially at the international level, and sometimes mention other subjects such as the players' salaries.

For instance, the FIVB, FIFA, IHF and WR regulatory texts mention specific measures regarding players of elite professional leagues. These measures are enforceable only if a contract exists and create a legal bond between the club and the players.

In most cases, **an employment contract** constitutes this bond. A certification process is necessary in case of international transfer of a player. Some national federations or leagues also have their proper certification process for establishing any contract between a club and a player in their country. The existence of such a contract and the organisation of these certification processes makes it possible to impose some mandatory provisions regarding the sports practice conditions of the athletes. Outside of these circumstances, IFs do not establish requirements regarding the sport practice conditions of elite athletes.

The **UCI** has a peculiar situation: It is the only IF that **lays down strict rules for the teams participating in international competitions**, imposing sporting conditions that professional teams must offer to elite athletes (both men and women). These provisions tackle athletes' employment contracts and go beyond the issues of international transfers or salaries. Indeed, the UCI oversees the Women's WorldTour organisation and imposes specific rules regarding the structuration of the participating teams. It comes from the specific structuration of international cycling: The teams participating in the UCI Women's World Tour must apply for a licence directly delivered by the UCI, making it possible to impose certain functioning conditions for these teams.

There is no such process for licensing international teams in other sports, even individual sports. For instance, there are no teams for tennis and swimming as there are in cycling: Athletes are licensed in their clubs and individually involved in international tournaments. IFs can try to regulate the organisation of these tournaments without the ability to impose any measures, contrary to the UCI system. **In other disciplines than cycling, IFs have a more distant bond to elite clubs or sports bodies.**

Therefore, the implementation of specific measures to protect the training conditions of the athletes depends on the following:

- *The IF's intervention in the organisation of international competitions (e.g., the ITF manages the ranking of the WTA tournaments and has implemented a regulation that maintains the ranking of pregnant athletes while they put on hold their careers)[50];*
- *The existence of a direct relationship between the IFs and the elite-level sports actors (e.g., the UCI can establish specific requirements for the Women's WorldTour as the IF selects the participating teams);*
- *The existence of a codified document that materialises the relationship between the athletes and their clubs (e.g., FIFA establishes requirements that must appear in any employment contract between a player and their team).*

## MENTIONS OF KEY TOPICS IN INTERNATIONAL SPORTS FEDERATIONS TEXTS

Regarding the different rights mentioned in IFs texts, **maternity and financial protection** are more likely to be protected when athletes contract with national or local sports entities. The financing, the development of social welfare rights and the defence of maternity rights often appear as the most important.

These contracts can be **employment contracts** or **bilateral agreements** between the athletes and specific sport entities (federations, governmental sport agencies, and clubs). A *bilateral agreement* helps the athletes with the costs of their sport practice without any authority from the sports entities on the athletes. Without any codified document that materialises and frames the relationship between the athlete and the sports institution, there is no possibility to impose a maternity leave or a minimal salary for the athletes, as they fall under the status of amateur athletes.

Many federations' regulatory texts include **provisions regarding the drafting of employment contracts** of athletes (men and women), mainly about the transfer procedures and the salary. For instance, FIFA established some *Regulations on the Status and Transfer of Players*[51] that tackle issues such as registration and the contractual stability between professional players and their clubs. These regulations also include specific provisions for women players related to maternity rights. The FIBA also adopted some rules on players and officials (*Book 3 of the Internal Regulations*[52]) that help regulate the international transfers of players, as well as the IHF, which established a *Player Eligibility Code* that regulates the status and the registration of professional handball players at the international level[53].

Other subjects, among those we identified as essential for the performance of sportswomen, rarely appear in IFs regulations. Indeed, it is the case of **technical and medical support** or **access to facilities** that are also crucial for developing high-level sports practice. However, as they largely depend on the local situation and rely on volunteer commitments from national sports actors, it is rare for international federations to intervene in these topics.

**The only federation that intervenes on these topics is the UCI:** According to the UCI cycling regulations, "each UCI Women's WorldTeam must employ — on a full-time basis and for the whole registration year — at least two sport directors and five other staff members, who must all be paid for their activity (coaches, doctors, paramedical assistants, mechanics or others)"[54]. These provisions ensure a complete and qualified team around elite athletes, but it is the only federation with such measures.

All IFs must respect the exact scope of application for their regulatory framework. These texts apply to national federations and their affiliated members for specific disciplines. However, these regulations rarely tackle the sporting conditions of elite women athletes, and a specific structure is necessary to enable the intervention of IFs on the issue of sport practice conditions.

Apart from the exceptional functioning of the UCI, the only mentions related to this issue are applicable when an employment contract exists between the athlete and its structure. It is sometimes the case for sports such as football, basketball, volleyball, handball, rugby or cycling (even though the situation can be pretty variable depending on the country), but rarely exist for other disciplines, such as swimming, athletics or tennis. In these situations, the focus is primarily on addressing the matters of financial support, maternity rights, and certain social welfare rights.

## KEY ISSUES FOR THE PROTECTION OF SPORTSWOMEN ADDRESSED BY GENERAL AND SPECIFIC INSTITUTIONS

Among the topics this study addresses, financial support, social welfare rights and maternity rights are mentioned in provisions of both leading institutions and international sports federations. Naturally, each institution addresses these fundamental issues differently, but there is a minimum level of protection for sportswomen on this topic, thanks to the combination of legal and regulatory provisions.

### FINANCIAL SUPPORT & SOCIAL WELFARE RIGHTS

Among the issues this study seeks to address, the remuneration of elite athletes is one of the most frequently mentioned when developing women's sports practice at the elite level, as financial support is essential. At the international and European levels, the International Labour Organization, the Council of Europe, and the European Union do not directly tackle support to the elite athlete, but all provide equal pay provisions:

- ***The Equal Remuneration Convention No. 100***<sup>[55]</sup>, adopted in 1951 and entered into force in 1953, is **one of the Eight fundamental ILO Conventions protecting labour standards**. The Member States are committed to implementing the principle of equal remuneration through domestic law, collective agreement, and other means. In other words, by ratifying this Convention, Member States are willing to provide legal acts within their national legal order to ensure the same remuneration to all workers, whether performed by men or women. In Europe, 51 countries ratified the Convention.



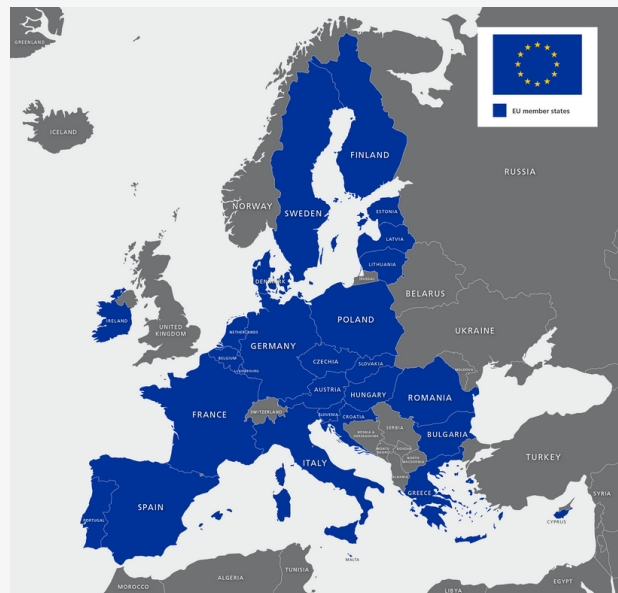
According to the ILO European classification, the missing countries are Armenia, Azerbaijan, Georgia, Israel, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan.



Missing countries: Armenia, Azerbaijan, Georgia.

- **The European Social Charter**[56], adopted in 1961 and revised in 1966, **complements the European Convention on Human Rights**. It guarantees economic and social rights, such as social protection, welfare, and employment provisions and promotes equality between men and women. Therefore, the treaty's Parties are willing to ensure equal opportunities, rights, and remuneration for men and women. In Europe, 42 countries have ratified this Charter.

- **The EU Charter of Fundamental Rights**[57], adopted in 2000 and entered into force in 2009, gathers **all the fundamental rights protected in the EU**. Article 23 promotes equality between men and women regarding of "employment, work and pay". This Charter also acknowledges health care, social protection and social assistance as essential elements of EU fundamental rights.



Those provisions aim to reach gender equality. Through all those conventions and charters, the Member States are committed to ensuring equal working conditions for men and women.

However, those commitments are not directly applicable in sports for all elite athletes and even more for women elite athletes as many are not employed to practice their activities.

**Equality of remuneration in sport is a complex notion** to assimilate and implement. Just as an illustration, according to Forbes's 50 highest-paid athletes in 2022[58], Lionel Messi is first with a total earning of \$130 M (\$75 M "on the field earning" v \$55 M "off-the-field earnings"). In this ranking, there are only two women, and none is a football player. Even though the comparison is complex, as they are playing a different sport, Naomi Osaka is ranked at the 19th position with a total earning of \$59.2M (\$1.2 M "on the field earning" v \$58 M "off-the-field earning"). There is a **disparity in the type of earning**. Indeed, Osaka's fortune is mainly based on "off-the-field earnings", which is not the case for Messi.

The current sport economic model relies on **sport exposure**. In contrast, for men elite athletes, team sport players are paid more than individual sport players. However, it is the opposite for women elite athletes[59]. Despite TV exposure for women and men individual sports players are somewhat the same, there is still a significant gap in comparison with team sport players. For instance, at the time of writing (April 2023), the TV rights of the upcoming women's Football World Cup still need to be granted to a broadcaster in France[60]. This situation with the same variable (e.g., the World Cup in Australia and New Zealand) will be unbelievable for the men's Football World Cup.

Even though all elite athletes do not earn money from their sport practice, they can earn remuneration when participating in high-level competitions, thanks to the prize money. This scheme applies to team and individual sports, although it does not correspond to the definition of "remuneration" stated in the abovementioned conventions. Indeed, the prize money does not come from an employment relationship and does not arise from the work that athletes would be doing in the competitions[61]. It is a way to distribute one-time monetary rewards to the winners or the best athletes in the competition. Most federations ensure equal prize money for both genders in the competitions they oversee[62]: athletics, volleyball, handball, tennis and swimming. Three disciplines in the scope of this analysis appear to apply unequal prize money. In football, rugby and basketball, prize money differs in male and female competitions[63]. The prize money is the same for cycling, apart from one or two primary races.

Prize money is a one-off payment. However, it is still an element that allows us to compare men's and women's sports development. These **monetary prices differ from total remuneration** as high-performance female athletes rarely receive total remuneration. However, the **income mainly relies on the national context around the athlete and only applies uniformly to some European athletes**.

Regarding social welfare rights protected by the *European Social Charter* or the *Charter of Fundamental Rights*, the federation's regulation is not as precise. Only a few provisions are observed in the regulation of the UCI, as it mentions specific insurance measures for any professional rider (such as life or accident insurance). Apart from this case, **insurance and social welfare protection seem to rely on the national social law for elite sportswomen**.

## MATERNITY RIGHTS

The second issue addressed by international law and federal regulations concerns maternity rights. Under this analysis, **maternity rights** are defined as stated in *Article 33 of the Charter of Fundamental Rights of the European Union*: "the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life"[64].

At international and European levels, different regulatory texts have been established on this issue by the ILO, the Council of Europe and the EU:

- **Maternity Protection Convention No. 183**[65]: Adopted in 2000 by the ILO, it provides **specific social security rights for women**. Within the framework of this Convention, the Parties undertake to implement in their national legislation rules that promote:
  - Protection for pregnancy;
  - The right to a maternity leave period;
  - The right to return to work in the same position.

27 European countries ratified this Convention.



According to the ILO European classification, the missing countries are Azerbaijan, and Kazakhstan.

- **Recommendation No. R(96)51 on reconciling work and family life**[66]: The Committee of Ministers of the Council of Europe recommends to the Member States to acknowledge within national legislation for men and women "**the right to take parental leave** during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and shared between parents".
- **Directive 2006/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation**[67]: *Article 15* is about the **right to return from maternity leave**. It states that: "a woman on maternity leave shall be entitled, after the end of her period of maternity leave, to return to her job or to an equivalent post on terms and conditions which are no less favourable to her and to benefit from any improvement in working conditions to which she would have been entitled during her absence".



- **Directive 92/85 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding**[68]: provides a **minimum of 14 continuous weeks of maternity leave for women**.

With those provisions, Member States undertake to acknowledge women's rights and intend to break down the impact of maternity within the careers of a woman.

Depending on the state of the structuration of their disciplines, elite sportswomen are guaranteed a certain degree of maternity rights. **FIFA establishes the best protection system**: Its regulations respect the requirements set by the precedent conventions, as it implements a minimum paid maternity leave of 14 weeks, prohibits the termination of a player's contract on the grounds of pregnancy and ensures that players are allowed to breastfeed and return to play after their pregnancy. However, this provision only applies to elite sportswomen with an employment contract.

Among teams sports, football is the only one that establishes such protection standards regarding maternity: The regulatory texts of the volleyball, handball or basketball federations do not mention provisions on these topics. The FIBA only provides some specific provisions for female referees. Regarding individual sports, mechanisms related to maternity rights are far fewer. IFs tend to focus on ranking issues and implement provisions for athletes that retire from competitions while pregnant whenever they provide specific provisions about pregnancy. For instance, in the framework of the ITF regulations, such a mechanism can be applied because the ITF oversees the ranking. On the contrary, swimmers do not benefit from a specific ranking. As autonomous practitioners, they must organise their comeback in competitions. Depending on each club's development level, they can benefit from their support. Nevertheless, there is no uniform framework for swimmers across Europe.

In our scope, the only exception is the UCI: In managing the **UCI Women's WorldTour, teams must respect many requirements regarding paid maternity leave and a specific status that help athletes keep their ranking**. In addition, UCI also requires teams to cover the cost of maternity insurance where there is no local social security system. This constatation is directly linked to the specific structuration of the UCI, which oversees the organisation of the UCI Women's WorldTour and selects the participating teams.

The difficulties for IFs to interfere in the relations between athletes and their clubs explain the **limited number of provisions protecting maternity rights in federal regulatory texts**. Outside of any employment relationship, enforcing any minimal requirements for clubs is complex. If a national law explicitly outlines maternity rights provisions, it may be easier for sports organisations to implement them. Social dialogue and the negotiation of a CBA mentioning these rights might also help protect social welfare rights for elite athletes (once they benefit from an employment contract).

This diversity of situations shows the limit on applying the rights established by the ILO or the EU, as they are mainly determined for workers. When they do not have an employee status, the mechanisms that apply to elite sportswomen depend on the regulation of their discipline. Thus, it relies on the commitments of each IF on the topic of maternity rights and/or on the national development of elite leagues and clubs (when the international federations establish no framework). It explains the great diversity of situations and benefits that sportswomen can have. When they do not contractually commit to their club or federation, sportswomen are free to stop practising when they are pregnant, but they might lack some support regarding their return to practice.

## REMAINING TOPICS RELATED TO SPORTSWOMEN PROTECTION

Apart from the crucial topics identified by this analysis, secondary topics related to gender equality and women in sports can appear as a step towards better protection and consideration of elite sportswomen. Leading institutions and international sports federations punctually address them through different acts: Those can apply to some elite sportswomen and also participate in protecting women in sports.

### ADDITIONAL ACTS ADOPTED BY THE LEADING INSTITUTIONS

The ILO, the CoE and the EU also provide other provisions that are not directly related to the four themes but may still benefit women athletes. Here is a non-exhaustive list:

#### International Labour Organization

- **Workers with Family Responsibilities Convention No. 156 (1981)**<sup>[70]</sup>: The Parties which ratified this Convention agreed to apply it in "all the branches of economic activity and all categories of workers". Consequently, with this Convention, the Parties recognise specific rights for workers with responsibilities such as the **rights to equal opportunities, working arrangements, and re-enter or remain in the labour market**.  
25 European countries ratified this Convention.
- **Part-time Work Convention, No. 175 (1994)**<sup>[72]</sup>: As **women are more entitled to be part-timers**, this notion needs to be considered<sup>[73]</sup>. A *part-time worker* is "an employed person whose normal hours of work are fewer than those of comparable full-time workers". This Convention tends to **improve and protect part-time workers' work quality** by ensuring the transition between part-time and full-time, limiting the variability of their working hours, and guaranteeing a minimum number.  
14 European countries ratified this Convention.
- **Right to Organise and Collective Bargaining Convention, No. 98 (1949)**<sup>[71]</sup>: In its Issues Paper on Decent Work in the World of Sport, the ILO emphasises the **importance of implementing fundamental principles and rights in the sport sector**. Therefore, the athlete should also benefit from the freedom of association and collective bargaining. The creation of an athlete union or commission can materialise this right.  
51 European countries ratified this Convention.

## Council of Europe

**Recommendation No. R (98) 14 on Gender mainstreaming in sport**[74]: The Committee of Ministers encourage the government of Member States to implement *gender mainstreaming*, which is defined as: "the (re)organisation, improvement, development and evaluation of policy processes so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actors normally involved in policy-making". In order to reach these objectives, Member State can "promote and encourage policies and practices [...] in all fields and at all levels of sport and establish the existence of specific mechanisms to this end".

## European Union

- **Directive 2010/41/UE on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity**[75]: Sometimes athletes need to be self-employed to practice their activity at the elite level. This Directive acknowledges rights for this worker category, such as the principle of equal treatment and maternity benefits. In other words, **self-employed athletes are also entitled to claim specific rights related to their status.**
- **EU legislation on family leaves and work-life balance**[76]: Work-life balance is essential for athletes, as being an athlete requires flexibility. This legislation sets rights for workers as a way to make sure that this balance is reached. Therefore, it **reinforces parental rights and provides a right to request flexible working arrangements.**
- **Directive 97/81/EC concerning the Framework Agreement on part-time work**[77]: As an elite athlete may also be a part-time worker. This Directive intends to improve the condition of the part-time worker by setting out the **principles of non-discrimination between full-time and part-time workers and ensuring that access to part-time work is possible.**

## SPECIFIC MEASURES IMPLEMENTED BY INTERNATIONAL SPORTS FEDERATION

Even though the number of provisions related to elite sportswomen is limited in their regulatory framework, IFs tend to establish specific measures in favour of gender equality. Despite these measures not always relating to high-level practice for women, they tackle important topics such as the principle of non-discrimination, the fight against violence or equal gender representation in governing bodies. The following table gives examples of the provisions established by each IF on these topics:

	Team sports					Individual sports			
	FIBA	FIFA	FIVB	IHF	WR	ITF	UCI	WAq	WAt
Principle of non-discrimination based on gender	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Principle against harassment and/or violence			<u>0</u>				<u>0</u>		
Mandatory minimum gender representation in governing bodies	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Specific provisions related to maternity		<u>0</u>				<u>0</u>	<u>0</u>		
Gender equality in prize money for major championships or events			<u>0</u>	<u>0</u>		<u>0</u>		<u>0</u>	<u>0</u>
Measures for the development of women's elite sport		<u>0</u>			<u>0</u>	<u>0</u>			
Measures for the development of women's amateur sport	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>			

Among the main subjects related to women, the regulatory texts of the IFs always mention a **principle of non-discrimination based on gender** (as well as the principle of non-discrimination based on race, religion, sexual orientation or other criteria). However, this provision **does not directly imply equal sporting conditions for sportsmen and sportswomen**. The main idea of IFs focuses on sport practice as a whole. Nevertheless, differences in treatment for elite athletes can be found in different areas: ranging from financial support to access to infrastructure and technical and medical support, as those topics cannot only rely on IF's action.

First of all, as already mentioned, the regulatory texts of IFs do not aim primarily at organising the sport practice conditions of elite athletes: Their primary focus is the **day-to-day functioning of the international and national federations** and the **organisation of international competitions**. Sometimes the IF manages the relations between clubs and leagues at the international level but rarely has to interact with clubs at the national level. Secondly, the scope of application of these IFs depends on different details: IFs have authority over national federations and local clubs (through membership) but cannot impose impractical measures. Requirements for sport conditions do not necessarily enter the fields in which the IFs are responsible: National federations, club unions and local clubs might be the best level to act on the sport condition practice of elite sportswomen.

Apart from the principle of non-discrimination mentioned by all the IFs, **specific provisions related to maternity or equal gender representation in committees or governing bodies** have been established. These provisions can be included in the general consideration of the context of sport practice for women, but it does not concern, in particular, the rights of women athletes. **It is rare for federations and international law to focus on all four identified topics.**

However, while focusing on the practice conditions of elite sportswomen, some IFs still intervene to defend elite women's sport and invest in women's high-level practice, even though this is not a regulatory action. Whenever federations cannot guarantee remuneration to women athletes or cannot intervene directly, some of them implement different mechanisms that help **develop the high-performance of women's sport**. For instance, *FIFA Women's Football Strategy*[78], *Accelerating the global development of women in rugby 2021-2025* including high performance quality competitions by WR[79] and the *ITF Gender Equality Strategy 2019-2024*[80]. **These action plans globally aim at developing women's sports**, but they nearly always include specific actions on high-performance sports.

The most developed programme is the FIFA one, as it aims at exploring "the creation of elite women's football academies at member associations with the necessary infrastructure to provide girls with structured and regular training opportunities in preparation for regional, confederation and FIFA competitions" and providing "financial and operational support in the areas of player infrastructure, development, technical staff education, and implementation of high-performance programmes"[81].

The **international competitions** serve as an instrument to **promote and encourage football practice at the elite level**. For instance, FIFA Women's Football Strategy states that "FIFA will optimise its competitions to ensure that the best players and teams are showcased and that there is an effective means to develop the future stars of the women's game".

The ITF also wants to provide opportunities for sportswomen to participate in high-level competitions, as does WR: Implementing a general system encouraging girls and women acts as a first step towards developing a structured high-level system for women athletes in these disciplines. However, these actions are outside the regulatory framework of the federations and rely on their voluntary commitment. Even though the example of such action can be taken for high-level sports mechanisms, voluntary commitments of the IFs can also be observed in other fields. For instance, the **UCI's commitment to guarantee equal prize money** in their competitions for both genders by 2023.

## OUTLINE

Among the four topics identified as central to athletes' performance, only the topics of financial support and maternity are mentioned in the regulations of international institutions, whether they are institutions that are part of the sport sector or public bodies that occasionally deal with sport regulation. While these regulations do not encompass the situation of any elite athlete practising in Europe, authorities are implementing specific measures to enhance the protection of elite sportswomen. There are still differences depending on each athlete's status, level, and discipline. However, all the identified measures show an interest in these topics from sport structures.

On the contrary, the issues of medical and technical support and access to facilities are not considered at the international level (except for the regulation of the UCI, as mentioned earlier). As they mostly rely on the local or national situation and depend on the commitment of national federations and local clubs, it is complex for international institutions to monitor and control the conditions of sports practice by imposing any uniform elements on the operation of local sports club. Institutions are increasingly interested in these topics, despite no specific provision regarding elite athletes' condition.

Under this analysis, the most relevant provisions are the ones that tackle women's condition. The primary limits are that most elite women athletes do not have the workers' status, while many of these provisions apply to workers. The state of development of the European sport sector only allows a few elite athletes to benefit from some of those rights.

Moreover, even if some acts can be legally binding at the European and International levels, sanctions for non-compliance need to be revised. Therefore, those commitments are more assimilated as an obligation of means rather than results.

Therefore, many actions will depend on the state of structuring of each discipline at the national level or on the actors' proactivity. Thus, it is interesting to complement the legal analysis with specific and direct feedback from European elite female athletes. Their experience helps identify how the abovementioned regulations apply at the national and local levels and what actions these sports actors implement.



## **PART 2 – AN OVERVIEW OF WOMEN ATHLETES' CONDITION IN EUROPE**

As mentioned above, there are regulations at various levels (national, European, international) concerning elite sport practice, what constitutes it and what surrounds it. The provisions in question may not specifically target women athletes, or athletes in general, as they can apply to all employees, depending on the institution implementing the regulation (ILO, CoE, EU). Moreover, when IFs adopt provisions, these will be more or less directly related to women athletes at the highest level. Furthermore, despite the inclusion of some minimal requirements in all these regulatory texts, **sportswomen may encounter a significant disparity between the provisions outlined in these various levels of regulations and the actual circumstances they face.** As mentioned previously, provisions that regulate sports practice conditions for elite athletes, and more precisely, elite women athletes, are rare in IFs regulations.

This section analysed the **current situation of high-performance athletes in Europe.** Four issues emerged from the discussions with the project partners as those that most affect and influence athletes' performance. This performance will vary depending on athletes' support regarding these topics.

The significant themes analysed here are the following:

- Financial support & social welfare rights;
- Maternity rights;
- Medical and technical support;
- Access to facilities.

This section aims to **understand the landscape of situations in which sportswomen are involved** and, to **complement the previous regulatory review with concrete feedback from women athletes.**

A **survey campaign** was carried out in Italy, France, Portugal, Slovenia, and Spain to gather input on the particular circumstances and experiences of sports institutions and athletes in European countries. In this questionnaire, 342 elite athletes and 69 sports organisations contribute to depicting their concrete situation as elite athletes or organisations in women's sports in Europe. Since there are significant variations in the number of responses based on the country, sport, and type of sports organisation, it is essential to interpret the data extracted from the survey carefully. However, it provides valuable insights into the conditions of sportswomen in Europe.

Also, in this analysis, interviews were conducted with FIFPRO and the Spanish Supreme Council of Sports to understand **better the mechanism behind the sports ecosystem** related to the condition of sportswomen in Europe. These two structures have been contacted depending on the input they could provide for this study.

On the one hand, **FIFPRO** is an international body that brings together 65 000 football players worldwide (predominantly men at the moment) throughout its 66 member unions. FIFPRO tackles a wide range of issues concerning the **rights and interests of athletes**, including employment status, access to justice, contract duration, and training conditions. The strategies and approaches employed by FIFPRO are adapted to suit each football ecosystem's unique characteristics and needs. At the European level, FIFPRO actively engages as a **social partner**, collaborating with other social partners to co-create progress. FIFPRO considers social dialogue as an instrument to foster a more sustainable and improved football ecosystem. Since 2008, FIFPRO has been an integral part of the European Union Social Dialogue Committee for professional football.

On the other hand, the **Spanish Supreme Council of Sports** (Consejo Superior de Deportes) is an autonomous body of an administrative nature, which **holds the performance of the state administration in sports**. The Supreme Council of Sports has considerable powers, including recognising the existence of a sport, authorising or revoking the constitution and adopting the statutes and regulations of the Spanish Sports Federations. By serving as a national entity, their institutional perspective and actions in support of athlete protection have contributed to gaining insights into the practical implementation of national measures.

As an **athletes' representative organisation**, FIFPRO is aware of the different situations athletes can face, at least in the European football sector. This sport is the most developed one in Europe, which helps give an overview of the situation in each Member State. As a **national sport governing body**, the Spanish Supreme Council of Sports shares a more institutional opinion. It helps understand the integration of women athletes in a national sports framework.

The confrontation between an athletes' representative organisation and a national sports governing body relates to the two sources of protection for athletes' rights: The regulatory framework of federations for one discipline and the legal framework of the intervention of governing bodies on athletes' well-being.

It is essential to remember that these entities give their viewpoints limited to a specific sector and area. However, their input is still interesting as a way to provide another approach to women athletes' rights.

**Using a consistent structure, this section will explore the four themes and their respective aspects**, i.e., a presentation of the current situations and possibilities for sportswomen in Europe, examples of good practices implemented by specific sports organisations, and then guidelines based on these good practices that can be used as original ideas to move towards an improvement of the conditions of sports practice for high-level female athletes.

## **FINANCIAL SUPPORT & SOCIAL WELFARE RIGHTS**

Implementing financial support and social welfare rights is becoming necessary to facilitate the development of high-level sport for women. The lack of financial support is one of the first causes of giving up sport practice for sportswomen, as they have to earn revenue and cannot always combine the practice of a high-level sport with full-time employment or academic studies.

Athletes get more or less support depending on their results, the national law or even the context of their discipline. Here is an **overview of the typological situations that athletes may encounter**, even though it is always important to remember that sports disciplines are structured differently among European countries. It is complex to identify a common situation for European elite sportswomen.

- If their discipline is structured well enough at the national level, financial support for athletes can be a **monthly remuneration**. Clubs or federations mainly distribute this remuneration: In these cases, athletes have been involved with these authorities thanks to a contract, such as an employment contract or a bilateral contract establishing rights and duties for the athlete and her contracting partner.

- Employment contracts with clubs **mainly exist for team sports**, even though the national leagues are not defined as professional.

*Examples:* The French handball league and the English football league have to provide an employment contract and monthly remuneration to a minimum number of players in their team, as these leagues have become entirely professional under national law. Under this professional status, players also benefit from employee social welfare rights, such as maternity rights (parental leave, social insurance, etc.). It is mandatory in these leagues due to the national federal regulations (sometimes supplemented by a specific CBA).

However, there is also a wide diversity of situations in which athletes do not have an employment contract with their club but can only rely on what can be defined as a bilateral contract. These contracts, even though they do not qualify as employment contracts, they still create commitments for the sports institutions and the athletes. They establish a structured environment for the training of the athletes.

- National federations also play a role in managing elite careers for sportswomen. Some federations provide **monthly remuneration** to elite athletes to support their practice. It is not always structured as an employment contract. They can also earn **daily allowances** as compensation for their participation in international competitions, although this does not constitute an employment contract providing them with a regular income.

*Examples:* The French national rugby team players have a part-time employment contract with the French Rugby Federation that ensures them monthly remuneration throughout the year in exchange for their participation in international competitions with the National team.

- Athletes can benefit from a **complement of income** from **scholarships** or **subsidies**, in most cases provided by the relevant National Olympic Committee or by a national public authority for sports, by a special status to which they are entitled. These statuses (often referring to a list of "high-level athletes" that get specific support) are not standardised throughout Europe but depend on each national sports system. This financial support directly helps the athlete's performance without requiring commitment from them.  
*Examples:* The Spanish Supreme Council of Sports establishes a list of "High-level athletes". Under this status, which they earn for five years, athletes can ask for financial support from public authorities or companies willing to help an athlete's performance.
- Athletes' remuneration can come from **activities other than sports practice**.
  - Many athletes hold **full-time or part-time jobs** that may or may not be related to sports activities. Among all the answers received in the framework of the project, a great majority of athletes do not dedicate their entire time to sports practice and are also employees.
  - Some athletes are still **students: They can earn** a high-level athlete status in some universities, giving them rights to some adaptations or **scholarships**. However, it does not directly finance the sports practice of the considered athletes.
- One last specificity is that financial support for athletes can come from **sponsorship** and **commercial opportunities**. Some athletes can receive financial support from third-party entities whose core activity is not in the sports field but who support elite sportswomen's performance.

These situations show the great diversity of stakeholders involved in the financial support provided to athletes: National Olympic Committees, national federations and clubs being the main ones, with punctual interventions of universities and third-party entities. For instance, sportswomen also receive punctual compensation from regional or national public authorities or even IFs. In other cases, sportswomen can benefit from contracts concluded with the military, police or customs that provide financial support for their performance following the applicable legal acts.

As mentioned, these remunerations only sometimes come in a rigorous framework. Athletes may benefit from an employment contract with their club, but other arrangements can be established (such as verbal agreements with clubs or other contracts with third-party entities).

**This diversity of contracts also explains the limits athletes encounter when protecting their social welfare rights.** Indeed, individuals recognised as workers benefit from these rights: the protection of these rights directly comes from implementing an employment contract that establishes the necessary application of the ILO or the EU requirements.

It is the main difference between an athlete benefiting from an employment contract and an athlete who does not. Under this contract, the athlete is recognised as a worker, which creates some obligations for the employer. **If no such contract exists, athletes do not have the relevant status.** Consequently, they are not entitled to workers' social protection mechanisms covered by international and European law.

Even when employment contracts exist for sportswomen, one of the main struggles of IFs and national leagues is the guarantee that these contracts match with the European and international regulations.

For instance, FIFPRO identified that ensuring national-level compliance with the minimum requirements of an employment contract poses challenges for the IFs. While more football players are signing written contracts, it is essential to note that these contracts do not always establish an employment relationship. In a 2017 global employment report[82], which gathered over 3,000 responses from high-level players, FIFPRO observed that only 47 % of these players held employment contracts. The remaining players had an amateur contract (34 %), a self-employment contract (4 %), or were unable to identify the type of contract (15 %).

In Spain, the Spanish Association of Female Futsal Players conducted where 97.5 % of the players in the league answered[83]. They observed that 67 % of them held a contract. However, 21 % of these contracts were verbal, and 50 % of the players had a salary lower than 499 euros.

## EXAMPLES OF GOOD IMPLEMENTATION

### SPANISH PROFESSIONAL WOMEN LEAGUE:

The recent structuration of the Spanish women's professional football league is an excellent example of the development of high-level sports practice. The Spanish government recognised the league as professional and independent in 2021: Clubs are currently receiving some monetary support from the government to help their development, but they will have to be financially independent within three years. It represents an opportunity for clubs to create revenue and develop conditions for football players. As the league now has a professional status, clubs have to apply the relevant national law, which implies that all players must have an employment contract, which framework is regulated. The clubs and the players are actively negotiating a CBA to establish social and financial support for players in an official capacity.

### COLLECTIVE BARGAINING AGREEMENT:

Another good practice is the example set up by social partners for female handball in France. After a period of negotiations, they established a CBA[84] to settle the women's handball players' sports conditions in the French championship's first division . This CBA sets a minimum wage for players, their working time, the conditions of departure for the national selection or their holidays.

It is good to know that these measures will extend to the second division for the season 2023 - 2024.

## GUIDANCE

Among the possible evolutions towards better protection for elite sportswomen, the most relevant is the **formalisation of professional status**. Professional meaning that athletes are entitled to an employment contract and a minimum wage with relevant social protection provisions. It often comes after a process of social dialogue, through the establishment of a CBA with the relevant social partners, or thanks to official recognition of a league as a professional one, which requires clubs to apply a specific range of social protection provisions.

However, this kind of action already requires **significant development of elite sport at the national level**. Team sports, such as football, handball, cycling, or basketball, are often recognised as professional in some countries while being practised at amateur levels in others. Nevertheless, other sports have yet to reach such development steps (for instance, rugby, tennis or athletics). In these cases, clubs are still starting their development, and they need to be more structured to apply a professional framework directly. Therefore, the first step is the **development of resources for these clubs**, which can come from federations or other stakeholders. Thus, meeting specific conditions is the prerequisite for implementing a CBA or recognising a league's professional status. However, this will depend on the structure of the sports movement in each country.

## MATERNITY RIGHTS

As defined in *Article 33 of the Charter of Fundamental Rights of the EU*, **maternity rights** can be "the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life"[85]. Consequently, maternity rights **can take various forms and be more or less specific**.

In Europe, these rights' application, content, and conditions vary from country to country. Nevertheless, the initiative of European institutions allows for the identification of common ground. For instance, at the EU level, the *Pregnancy Directive (92/85/EEC)*[86] requires a minimum of **14 weeks of paid leave for each worker**, including the ante- and post-partum period.

Moreover, the analysis of international and European institutions (ILO, CoE, EU) has highlighted that protecting maternity rights is essential for recognising women's specific rights.

It is interesting to look into maternity protection for elite sportswomen, as **their body and physical ability are their working tools**. Therefore, pregnancy may heavily impact their sporting careers. However, it is crucial to remember that not all elite athletes can practice their activities with the status of workers. Consequently, not all individuals can be guaranteed the rights that arise from this status.

In the questionnaire, most athletes were unaware of a maternity policy in their clubs or sports organisations. This lack of awareness highlights that sports still do not sufficiently consider motherhood.

For instance, in 2017, El Pais revealed that some Spanish football and basketball teams had inserted **"anti-pregnancy" clauses** into their contracts[87]. These clauses would enable the clubs to cancel the contracts of sportswomen if they got pregnant without any form of compensation. These clauses contradict the EU's Charter of Fundamental Rights[88], which ensures maternity rights, including the right to protection from dismissal due to pregnancy.

Moreover, the athletes' answers varied regarding whether or not having a child would impact their careers. On the one hand, for some elite sportswomen, it has an impact: "Unfortunately, I think so. [...]. We often think that getting pregnant is synonymous with leaving professional sports practice due to the possible lack of resources to combine both".

On the other hand, for some elite women athletes, it is not necessarily an obstacle as: "I do not think so, it will just take more personal organisation and outside help too" or even "No, because afterwards, the father can also keep them. In my opinion, only at the beginning can it bring difficulties."

**Sports regulations have increasingly considered maternity rights in response to these issues.** FIFA is the first IFs to provide such protection. Indeed, FIFA and FIFPRO have adopted a new regulation due to their tight collaboration. For instance, *Article 18 (7.)*[89] states that "female players are entitled to maternity leave during the term of their contract, paid at the equivalent of two-thirds of their contracted salary" and defines **maternity leave** as "a minimum period of 14 weeks' paid absence granted to a female player due to her pregnancy, of which a minimum of eight weeks must occur after the birth of the child".

This regulation has already led to the sanctioning of one club: Sara Björk (sued her former club (Olympique Lyonnais) in front of FIFA jurisdiction, as they failed to pay her a full salary while on maternity leave. In May 2022, FIFA ordered the club to pay more than 82 000 euros[90].

The UCI and the ITF have also followed the lead and implemented some pregnancy-related provisions.

In Europe, CBAs are also being established for women in sports, considering their specific needs related to pregnancy. In addition, **a CBA may help determine the relevant period of maternity leave** for athletes that fall under its scope. For instance, the CBA established in 2021 entitles French women's professional handballers to receive payment for 12 months while on maternity leave[91].

However, for athletes who fall outside the scope of these regulations, there is no specific mechanism, such as maternity leave or financial support. **These mechanisms are necessary for athletes to avoid organisational difficulties** (mainly regarding time and financial resources), discouraging them from combining a sporting career with motherhood. Indeed, athletes mentioned that "in high-level amateur sport, it is almost impossible to combine work and sport five days a week with looking after a child"; and "it would be difficult to manage a day with work, sport and a baby".

Hence, motherhood still appears as a barrier to an elite sports career.

Women's gender specificities are becoming to be more regulated and acknowledged by sports organisations. In addition, **public authorities can also provide mechanisms to protect the maternity rights of elite women athletes.**



## EXAMPLES OF GOOD IMPLEMENTATION

### PUBLIC AUTHORITIES INTERVENTIONS:

**The Spanish Supreme Council of Sports** has established different measures to support pregnant athletes. Therefore:

- Athletes that became mothers receive a subvention of 3 000€ and support of 100€/month while the child is under 3.
- The status of DAN (High-Level Athlete), which lasts for 5 years, is postponed for 1 year in case of pregnancy[92].
- In case of pregnancy, the Olympic Sport Scholarships are also postponed.

**The Italian Department for Sport of the Presidency of the Council of Ministers** provides a monthly contribution for non-professional athletes who have had to put on hold their competitive activity due to maternity. Compared to previous years, the monthly payments of the contribution have been increased, passing to 12 monthly payments of 1 000€ each, and the audience of potential beneficiaries also extended to athletes active in the previous sports season.

### FEDERAL REGULATORY FRAMEWORK:

#### Maternity leave

- **Football Association of Slovenia and English Women's Super League and Women's Championship:** Based on FIFA Regulations, professional female players benefit from 14 weeks of paid maternity leave.
- **English Rugby Football Union:** Contracted England Women's rugby players benefit from 26 weeks of paid maternity leave.

#### Support for the mothers

- **English Rugby Football Union and the Rugby Players' Association:** The new *maternity, pregnant parent and adoption leave policy* for contracted England Women's players also include the option for pregnant players to perform other roles within rugby until their maternity leave starts. Their babies will be able to travel with players to games too.
- **Slovenian Football Association:** Right to perform other roles within football during their pregnancy and have a safe place to breastfeed their babies.

## GUIDANCE

As maternity rights mainly apply to workers in the legal framework of the ILO or the EU, there are still some deficiencies in ensuring that any elite sportswoman can combine her career with a pregnancy.

To better protect sportswomen on this issue, important actions include **enhancing support for all aspects of sports performance**, involving physical, mental, and financial aspects of their careers. This support should last even after the pregnancy to help athletes to recover.

In addition, when it is possible, the **implementation of a legal act**, such as an employment contract or a CBA, remains the most efficient way to preserve maternity rights for athletes (provided that these rights are adequately defined and defended). The provisions in these legal acts may tackle various subjects, such as maternity leave or maternity allowance.

Before this legal implementation, which requires a significant level of professionalisation from the structures concerned, it is also **crucial for athletes to be aware of the pregnancy support mechanisms they can get from public authorities and sports governing bodies**.

## **TECHNICAL & MEDICAL SUPPORT**

When assessing the conditions and rights of female athletes, it is crucial to acknowledge medical and technical support as one of the essential elements. Indeed, **medical and technical support refers to the specialists involved in ensuring the excellent performance of sportswomen.** *Medical support* includes all medical professions (doctor, physiotherapist, osteopath, psychologist, etc.). *Technical support* has a broader scope and concerns any action that might be necessary for the practice of sports by women athletes (administrative staff, management, etc.). As our definition of support refers to the **professionals** who intervene in sports performance, technical or medical support required by women athletes in their private life are omitted.

**There are no regulations on this subject by non-sporting institutions. Sporting institutions sometimes provide for a mandatory minimum number of technical and medical people in the structures.** However, these situations remain at the margin for highly developed sports. Therefore, this section will focus on the feedback from athletes and sports institutions consulted to measure the reality. The results are nuanced due to the number of responses per country. Thus, this will be a simple, non-exhaustive indication based on the feedback.

### **TECHNICAL SUPPORT**

Technical support for athletes is essential to enable them to practice sports at a high level and in good condition. This support takes several forms and is almost compulsory in some countries, notably Portugal and Spain, where a vast majority of the sports institutions that responded to the questionnaire provide it.

In most cases, the technical team consists of one to three people. The profiles of the team members are very diverse, although they almost always include a **coach and administrative and secretarial staff.** The rest of the technical staff, such as the manager or the person responsible for relations with the press and public, varies enormously from country to country.

To make life easier for the athletes by relieving them of the organisation of their participation in competitions, a massive part of the institutions has a person in charge of this organisation.

Another huge barrier to sports participation is the **costs incurred by athletes to participate in competitions.** According to the study, there are once again disparities between countries, the structures' type and the sport. The coverage of athletes' costs by institutions in Portugal, Italy, and Spain appears to be complete, although it varies due to the abovementioned reasons. However, it is common for athletes to bear some or all the costs of participating in competitions.

## MEDICAL SUPPORT

Medical support is an essential element to be considered by sports institutions to ensure the **safe practice of high-level sportswomen**. Indeed, high-level practice starts at an early age in most sports, and a **medical follow-up** seems crucial to ensure their health and safety.

Typically, the medical teams that assist elite female athletes are comprised of one to three members. The **doctor** remains one of the professionals most present in the structures, all countries taken together, to ensure the follow-up of the health of the athletes. The presence of a physiotherapist varies enormously, with a strong presence in Portugal, Italy, Slovenia, and Spain. Other professionals involved include psychologists and osteopaths. It appears that in Spain, this support is compulsory. However, in general, some athletes reported that this support is present in their country's national team, not in their club.

It is essential to highlight that the **medical team needs to be composed, at least, of a doctor**.

Whenever possible, considering **women's specific needs** (cycles, menstruation, contraception, and pregnancy) in medical care will help improve athletes' health, performance, and well-being. For instance, a gynaecologist on the team can make a massive difference to athletes who do not have one. Given the difficulty of obtaining gynaecological care, providing it to athletes can relieve them and enable them to be in better physical and mental condition. Female athletes must endure several things, from their cycle to menstruation, to contraception, while still performing well.

**Without general and specific medical support, dangerous consequences for their health may occur.**

## EXAMPLES OF GOOD IMPLEMENTATION

### TECHNICAL AND MEDICAL SUPPORT:

The CBA for the French Women's Handball League imposes in its specifications the integration of the first division conditions of technical and medical support to be respected. Indeed, the club must employ at least one full-time *professional coach*, at least two or more *administrative employees* and "put in place the *medical logistics and facilities* adapted to the exercise of this activity during training sessions and walks, and in compliance with legal provisions and federal requirements".

It is good to know that these measures will extend to the second division for the season 2023 - 2024.

### TECHNICAL SUPPORT:

A good practice that is relatively widespread is to designate a person responsible for organising the participation of club or national team athletes in competitions. This person can be employed if the structure's resources allow it, but can also be a volunteer. This measure will enable athletes to concentrate on their performance rather than the technical aspect.

### SPECIFIC NEEDS OF SPORTSWOMEN:

**Ile de France Rugby League** disseminated a questionnaire on the consequences of menstruation, maternity, and bladder weakness on sports performance in December 2022. **The Racing 92 rugby club** implemented concrete measures in January 2023 by introducing gynaecological monitoring for the women's team, in addition to a physiotherapist, a sports doctor and an osteopath. Each player will receive personalised support.

### MUTUALISATION OF THE SUPPORT:

In terms of both technical and medical support, it is a reality that sports institutions often lack the financial resources to employ professionals in these areas. Thus, a few clubs are mutualising their technical and especially medical members. For instance, **Grenoble's women's rugby club** (FCG Amazones) supports male and female athletes equally by mutualising the medical team across different structures.

## GUIDANCE

Sports institutions can adopt different medical and technical support provisions for high-performance female athletes. Indeed, being aware of the costs that a medical team can generate, the **mutualisation of this medical staff** between several clubs and/or sports is an excellent opportunity. It would share the costs of a medical professional between several actors while allowing the athletes to benefit from a medical follow-up, which is essential for their practice. The **mutualisation of administrative staff** is also a solution for structures with limited resources.

In addition, it seems crucial to **encourage measures concerning the costs incurred by high-level athletes participating in competitions**. Limiting their costs would help reduce one of the barriers to top-level sports. Covering these costs, even partly, can make a difference to top-level athletes.

**The indispensable professional in a medical team remains the doctor**. To take this a step further, it is worth considering the specific needs of women as part of a personalised care programme by sports institutions to accompany them in these issues. Indeed, it would be interesting for these structures to at least **facilitate access to gynaecological follow-up** for athletes or even to provide them with direct access to it.

Finally, the **equality of technical and medical support for men and women athletes** varies from one country to another. It seems essential to move towards equity in the support provided, particularly at the medical level, with the necessary adaptation to the specificities of women.

## ACCESS TO FACILITIES

Access to infrastructure is an essential element for the successful practice of sports. It refers to the **accessibility of the facilities needed for sports training**. It is a question of analysing the conditions of players' practice to determine whether they are adapted to high-level performance.

As for technical and medical support, non-sporting institutions have no regulations. Sports institutions sometimes provide a mandatory disposition for the facilities' accesses. However, these **regulations remain at the margin for highly developed sports**. Therefore, this section will focus on the feedback from athletes and sports institutions consulted to measure the reality.

The complexity of this part is that **local authorities and the state own the vast majority of sports facilities**. As a result, sports organisations have less flexibility in using and accessing sports facilities for female athletes. Indeed, the percentage of organisations with specific provisions regarding access to facilities for women athletes (construction of facilities, financing, the arbitration for the occupation of facilities) is disparate across countries.

Several provisions in their favour emerged from the questionnaires, namely structures reserved for women's practice in specific slots, changing rooms and spaces specifically for women athletes, and coverage of the costs of these athletes for sports facilities by the club. This work to improve women's sports infrastructures is in line with the **necessity to adapt infrastructures to the specificities of women** to offer them optimal conditions for playing. For instance, the difference can be with the changing rooms and the number of bathrooms that are available and easily accessible for the athletes.

To maintain certain stability in the sports practice of female athletes, training in the same facilities daily is a crucial element as the athletes make their habits in these places. Of the countries surveyed, about two-thirds allow training in the same facilities for their sportswomen. However, many do not have guaranteed or unlimited access to these training facilities (at any time and without charge).

Despite the concern of clubs providing free and fair access to athletes, there are many limitations, mainly related to the public ownership of the facilities. The main ones concern precise timetables imposed by the town hall or facility management bodies, sharing with other organisations or schools.

Regarding sharing facilities, some sports organisations try to ensure equal sharing between male and female athletes. It sometimes takes the form of an organisation with various slots equitably divided between men's and women's teams.

The possibility of training also in a gym or weight room is an essential element of high-performance sports. Many top athletes still do not have free access to a gym or weight room because of the lack of such facilities, the hours of operation or the costs involved. Some athletes must pay for a private room to continue their training. **Free access to a weight room for high-level female athletes seems fundamental to enabling them to perform in their sport.**

The last aspect that seems essential is the distance athletes travel between their training location and their home. The longer this distance, the less time they devote to their practice and personal and professional lives, the more fatigue they experience. More than half of the athletes surveyed live less than 30 minutes from their training location, but some live more than an hour away.

## EXAMPLES OF GOOD IMPLEMENTATION

**The Spanish Supreme Council of Sports** has implemented different provisions to improve sporting conditions and access to facilities for elite athletes. Therefore:

- They invested 16 million euros in 2022 to improve the infrastructure of the pitches and stadiums of first-division women's football teams.
- The facilities of the High-Performance Centres, which are labelled by the Spanish Supreme Council of Sports and are used for elite athletes training all over Spain, are accessible to both men and women on an equal basis. However, access is not guaranteed to be unlimited.

## GUIDANCE

It is crucial to keep in mind the limit of public ownership of sports facilities in general, which limits the scope of action of sports organisations. However, regarding access to facilities, it is recommended that they promote access to high-level female athletes. Indeed, good access to training facilities and a weight room (free of charge) generally goes hand in hand with improved sports performance. In order to support individuals in balancing their personal, professional, and academic responsibilities, it is crucial to provide schedules adapted to their needs.

Sports organisations should attempt to improve the facilities for women's sports to allow athletes to practice their sport in good conditions.



## OUTLINE

The analysis of athletes' feedback and institutional mechanisms gives a contrasting representation of women athletes' condition in Europe. There is no unified framework of rights to which elite women athletes would be entitled on each topic:

- A wide range of stakeholders is actively involved in financial support and social welfare protection, ensuring that the statutory situation of each athlete is carefully considered.
- Maternity rights are considered for professional athletes, whereas it used to be entirely unthinkable for women to combine their high-level sports careers with maternity. However, when sportswomen are still amateurs, they may have lower protection regarding their pregnancy.
- The regulations on technical and medical support and access to facilities are still relatively low: Sports institutions sometimes plan provisions on these topics, but it mostly comes from each stakeholder's proactivity.

Nevertheless, even if we cannot identify a complete and harmonious framework for all countries and disciplines, this overview also shows that local, national or European solutions exist. Thanks to the willingness of sports associations, sports governing bodies or the IFs themselves, different kinds of support mechanisms have been created over the years and show an improvement towards better protection from women elite athletes' rights.

Each example here highlights one specific situation and cannot be replicated everywhere. Nonetheless, drawing inspiration from these examples offers a pathway to take action in order to enhance the protection of athletes' rights.

# CONCLUSION

At the end of this overview, intended to be as comprehensive as possible for such a broad topic, it appears that it is still complicated to draw a precise and standard status for European elite women athletes. Even though the scope of this analysis has been reduced to a small number of sports, there are still significant disparities between women athletes in Europe.

All the regulations issued by the International Labour Organization, the Council of Europe and the European Union do not necessarily apply to all elite sportswomen, as the criterion of the athletes' status interferes with the obligations sports institutions must fulfil. Indeed, as mentioned earlier, worker status helps apply any legal or regulatory requirements, including being entitled to social protection rights. Some other statuses established by national public authorities or sports institutions (such as a high-level athlete status) may help procure subsidies or support programs for elite athletes. However, when they have no specific employment status and therefore have an amateur level, it is complex for women athletes to ask for the commitment of their club or national federations.

Furthermore, even though the regulations of the IFs create a common framework for their discipline at the European level, there are different states of structuring in each Member State, which directly impacts the provisions related to women athletes. The provisions and the proactivity of the IFs are essential for developing each discipline at the national level, as they set up minimum requirements. **These requirements pave the way for the evolution of each national system.** They can be used as tools to encourage this evolution, but this presupposes that IFs are legitimate to intervene in local structures. Indeed, they know that their regulations can only come once sports organisations are advanced enough to apply them.

On the other side of the sport movement, **local sports organisations** are also significantly impacted: Their involvement and proximity with the local sports movement is another way to **improve sports conditions for elite athletes**. As local clubs have direct access to sports facilities or volunteers, it is easier for them to implement small measures that can change the daily practice conditions of women elite athletes (such as the creation of a management position that organises the participation of athletes to competitions, the local actions that can help fair access to training facilities, etc.).

**Financial support from public authorities is an excellent outset to help the development of women's sports.** Public fundings are still very important in the European sport sector, and the development of high-level sports structures mainly relies on public investments.

A specific orientation of public funding in favour of women's sports structures would be a start for developing and improving sports structures to make them more solid, profitable, and autonomous in the long run.

Using public funding for more structuring of the sports structures is a beneficial tool to encourage sports structures and institutions to invest in improving women's sports.

A large number of athletes and athletes' unions are insisting on professionalisation and recognition of athletes' rights to enable them to improve their performance through better practice conditions and to provide them with better protection.

Consequently, **social dialogue is another efficient tool to protect athletes' rights**, particularly their social welfare rights. Indeed, it is a process of negotiation by which social partners, representing workers and employers in a specific sector, agree to work together on policies and activities. It is mutually agreed upon and based on the right to collective bargaining and freedom of association. Social dialogue needs to be deepened in Europe to provide more rights for elite women athletes, **as CBA are critical to establishing, implementing and regulating women's specific needs in sports.**

For instance, in the United States, the Women's National Basketball Association (WNBA), the first-division league for women's basketball, established a Collective Bargaining Agreement in 2020, which will be in force until 2027. It applies to the players and the teams of the WNBA and is very exhaustive: For instance, it tackles the requirements of a standard player contract, the wages, the organisation of the draft system, and the players' conduct requirements. It is still rare to encounter CBA for women's sports in Europe, and these agreements tend to be much less developed than the WNBA CBA. However, these significant differences can be justified, as the sports ecosystems are entirely different. It does not mean that such agreements should be replicated in the European sport system, but it still highlights that the concertation of players, sports authorities and social partners can achieve good advancement in the most crucial issues athletes need to tackle to improve their performance.

Furthermore, over the past decade, there has been a significant improvement in the situation of elite sportswomen, as women in sports are increasingly considered. Many provisions help improve their sporting conditions, even though there is still no defined rights framework for all European sportswomen. **Some limits still come from the need for more structuring and financing of sports structures:** To create and implement specific mechanisms requires a certain level of development for women's sports, which organisations of all disciplines cannot assume.

In summary, the V.E.R.A. project aims to promote and enhance support for sportswomen and raise awareness about their rights all over Europe, with a particular emphasis on elite women athletes. One essential action of the project is to **ensure women's development in sports** by providing **mentoring** amongst athletes and mutual support between athletes and sports organisations to as many athletes as possible. Consequently, the Voice for Equality and Rights of Women Athletes project intends to act as a stepping stone for improving sportswomen's condition in Europe and offer a safe **networking** place for all European women athletes.

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# CONTACT DETAILS

**EASE**

21 - 37 rue de Stalingrad - 94110 Arcueil - France

+33 1 85 78 63 87

[www.easesport.eu](http://www.easesport.eu)

[ease@easesport.eu](mailto:ease@easesport.eu)



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