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LEX/JSV

27 July 2016

Proposed Exclusion of Football Athletes from Labour Law

Your Excellency:

I write on behalf of the International Trade Union Confederation (ITUC), which represents 180 million members in 162 countries and territories. The Association of Free Trade Unions of Slovenia (ZSSS) is an associate member of the ITUC. We are deeply concerned that the government has proposed to exclude professional football athletes from provisions of the labour law, including with regard to wages, hours and termination of employment. Further, the proposal would encourage clubs to hire football athletes as independent contractors with no employment relationship with the club, undermining their right to freedom of association and to collectively bargain. We call on you to immediately withdraw this proposal.

In light of the elements of the employment relationship set forth in Art 13 of ILO Recommendation 198, there can be no question that football athletes are employees of their football clubs. The clubs maintain the total authority to hire, fire, manage and direct the work of the athletes and athletes provide their services exclusively to these clubs in return for the remuneration paid to them. The clubs also provide all of the tools and training necessary for the athletes to carry out their work. It would be preposterous indeed to believe that football athletes are self-employed agents who sell their professional services to clubs. Rather, the proposal is an obvious attempt to allow clubs to shed labour costs and to frustrate the rights of athletes to organise and bargain collectively.

A number of trade unions have already written to your government and emphasized that the proposed reforms would violate a number of European laws if enacted. We write to underscore that the proposed laws would also violate ILO Conventions 87 and 98, both of which Slovenia ratified in May 1992. Convention 87 is clear that all workers without discrimination whatsoever have the right to organise. In two cases, the ILO Committee on Freedom of Association specifically upheld the right of football players to form or join a union and to bargain collectively. See CFA Case No. 2481, Report 344 (Colombia) (finding, “The Committee considers that the status of the professional football players as workers is

undeniable. It follows that they must be covered by Conventions Nos. 87 and 98 and, hence, that they must enjoy the right to associate in defence of their interests.”). See also CFA Case No. 2347, Report 336 (Mexico).

Therefore, we urge you to withdraw the proposed reforms and ensure that all professional athletes remain subject to the labour laws of Slovenia. Please do not hesitate to contact us should you have any questions about our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary

cc: Dušan Semolič, President,
Association of Free Trade Unions of Slovenia (ZSSS)

Anton Leppik, Executive Secretary
Pan European Regional Council

Grigor Gradev, ACTRAV
ILO Budapest