Author: Andy Harvey, Swansea University, UK[1]

E-mail: a.n.harvey@swansea.ac.uk

ORCID: Andrew Harvey https://orcid.org/0000-0003-1307-0326

LinkedIn: https://www.linkedin.com/in/harveyandy/

Biographical Details:

Andy Harvey is Lecturer in Sport and Exercise Science at Swansea University. His research interests are in athlete rights, match-fixing and equalities. He is currently researching athletes' voice in sports governance. He also has an interest in the connections between sport and the humanities.

Funding details:

The *Don't Fix It!* project (2013 – 14) was supported by the European Commission under grant [EAC/506/2012/016] as part of its call for Preparatory Actions in Sport.

The impact study (2016) referred to in the article was supported by Birkbeck, University of London.

No other funding was received for the research.

Acknowledgements:

I would like to thank John Kelly and Leanne O'Leary for their useful comments on drafts of this paper. Sean Hamil was instrumental in obtaining funding from Birkbeck to commence an impact study of the *Don't Fix It!* project that directly led to the research questions addressed in this article. I thank him for his support. Finally, I thank the anonymous reviewers for their insightful suggestions and comments.

[1] Please note that the research for this article commenced when the author was working at Birkbeck, University of London from 2013 – 2016. The research was concluded and written up at Swansea University between 2017 and 2020. Ethical approval was granted by Birkbeck throughout.

Fixing it for PFA Scotland: building union influence out of a transnational project to tackle match-fixing in football.

ABSTRACT

This article deploys frameworks from the fields of trade union theory and professional football governance theory to gain an understanding of the tactics deployed by the Professional Footballers' Association, Scotland for collectively representing the interests of its members. The article explores how the union used the advantages gained through participation in a counter match-fixing project managed by FIFPro to establish itself as a member of an array of committees, task groups and panels so that it might become the collective 'voice' of players at the institutional level in football. The article commences with a review of the industrial relations landscape of professional football and the 'peculiarities' of the labour market that have produced equally unique trade union strategies that seek to individualise rather than collectivise wage bargaining. The implications of such a strategy are felt in the lack of appropriate contemporary theories of trade union power that might act as explanatory frameworks to aid an understanding of the tactics deployed by PFAS. The article proposes a return to a political institutional model of trade union power popularised by Sidney and Beatrice Webb in the late nineteenth-century. An analysis of interview data collected from a small cohort of expert informants shows that PFAS has taken advantage of a new body in Scottish professional football, the integrity forum, to establish itself as a credible and trustworthy voice of players within broader governing structures, while acknowledging that its sphere of influence remains constrained within a system dominated by more established institutions.

KEYWORDS: industrial relations; professional footballers' associations; sport and politics; sport governance; trade union theory

Introduction

In this article, theoretical frameworks from the fields of contemporary professional football governance theory and late nineteenth-century trade union theory are deployed to assess whether participation in a transnational project to tackle match-fixing had an impact on the ability of PFAS to collectively represent its members within the governing structures of the sport. In doing so, the article seeks to respond to the demand by Jedlicka (2018) that sports' organisations should be analysed through existing theoretical frameworks so as to provide a better understanding of sports' bodies and the relationships between them.

The article commences with a sketch of the football labour market, which displays 'peculiarities' that are unique to the global professional sports sector. The distinct features of the sector, notably the restrictions placed on the labour market, have led players' unions to attempt to free up the labour market to individual negotiation rather than to collectivise wage bargaining as is common in mainstream sectors of the economy. Consequently, it is argued that contemporary wage determination theories of trade unions have little applicability in the football sector where negotiation over remuneration has long been devolved to the individual level and ceded to player agents.

To overcome this problem, the article returns to the idea that unions should be viewed as political and historical institutions whose influence extends beyond a narrow wage bargaining remit. In order to account for the specificities of the football sector, this framework is combined with systemic theories of sports governance that allow an examination of the power dynamics inherent in the interorganisational relationships between PFAS, the SFA and SPFL. Using these twin theories as a guide, empirical data was obtained through interviews with four senior officials of PFAS, SFA and SPFL who are expert informants with detailed knowledge of the history and contemporary politics of football governance at national and international levels. From an analysis of the data as perceived through the theoretical frameworks, it is argued that

PFAS has partially overcome its historic weaknesses as a union and has been able to reposition itself, with limitations, as a credible and respected organisation within Scottish professional football through pro-active membership of task forces, committees and working groups.

Context

Industrial relations in professional football

International and national sports governing bodies have traditionally insisted upon, and enjoyed, a certain degree of autonomy from political interference in the way they manage their sports. In respect of football governance, Article 19(i) of the FIFA Statutes (2016) states that, 'each member association shall manage its affairs independently and without undue influence from third parties'. The autonomy of sport extends into the sphere of the economics of professional sport such that leagues arguably operate as business cartels (Berry *et al*. 1986, Dabscheck 2004, Schwab 2017) that are partially exempt from the laws of competition that regulate other sectors of modern capitalist economies. The 'peculiar' cartel economics of sport (Neale 1964, Gratton 2000, Szymanski 2009) has led to many distinctive labour market attributes compared to the rest of the economy (Staudohar 1986, Quirk and Fort 1999, Barry *et al*. 2016, Mason 2016). Professional football features specific labour market characteristics that include limitations on the ability of a player to move from one club to another outside of the transfer windows; restrictions on seeking redress for breaches of the employment contract by the employer, and; financial penalties imposed on players who wish to change club while still in contract (Parrish 2011, Szymanski 2015). In response to these restrictions, a strategic goal for players' associations has been to secure the free movement of players to move from club to club both internationally and domestically (O'Leary 2017).

The strategy of the PFA in England in the *Eastham* case (1963) was to challenge in the courts the restrictive 'retain and transfer' system that prevented players from moving between clubs when out of contract (Harding 1991, Walters 2004). Following this legal approach, FIFPro,

the global union federation for professional footballers, has appealed to European regulations that are designed to allow the free movement of labour between member countries. In its decision in the *Bosman* case (1995), the European Court of Justice ruled that the restrictive football transfer system in the EU was in conflict with Article 39 of the EC-Treaty.[i] The ruling has had a significant impact on the labour market for football, enabling top players to sell their skills on the open market, creating the conditions for the most talented practitioners to earn millions of Euros a year (Ericson 2000, Dejonghe and van Opstal 2010, Duval and van Rompuy (eds.) 2016). For FIFPro, the case demonstrated its ability to leverage the transnational legal environment of the EU for the advantage of professional players (Dabscheck 2003). One consequence of the ruling is that the role of agents who act on behalf of the individual player in wage negotiation has become almost ubiquitous in elite football (Parrish 2012, Rossi, Semens and Brocard 2016). However, as Walters (2004) and Marston *et al*. (2017) observe, players' associations have shown a diversity of tactics to organise and represent players within the sector, despite their significant absence from the wage bargaining arena.

Industrial relations in Scottish professional football

The Professional Footballers' Association, Scotland (PFAS) was established as an independent union in July 2007, having previously been a specialist section of the GMB, one of the UK's 'general' unions. It has approximately 1250 members, of whom about 1000 are current professionals, representing around 80% density in the industry, compared to 29% in the general Scottish economy (Worker-participation.eu 2016). PFAS affiliates to FIFPro and receives significant financial and organisational support from it. It also affiliates to the Professional Players Federation (PPF), a UK-wide political lobbying organisation of players' associations from different sports. The mission of the union is to be 'the collective voice for players in Scotland … to protect and promote the interests of our members' (Cameron n.d.). The union offers benefits to its members, including advice on a range of issues such as welfare, gambling,

match-fixing, legal assistance, and post-sport careers. However, as noted above, collective bargaining over wages is not a function of PFAS as this ground has been ceded almost entirely to agents representing individual players.

The Don't Fix It! anti-match fixing project

On 6 February 2013, Europol announced that a 'total of 425 match officials, club officials, players, and serious criminals, from more than 15 countries, are suspected of being involved in attempts to fix more than 380 professional football matches' (The Guardian 2013). In response to these perceived threats, the European Commission has financed several interventions through its funding mechanisms for sport. One of the first of these projects was the *Don't Fix It!* project (2013-14) that was led by FIFPro with partners from eight European players' associations, including PFAS. The project objectives were to raise awareness of the problems of match-fixing; to improve the structural environment of professional football so that the conditions that lead to match-fixing are reduced, and; to establish strong networks among institutional actors in the fight against corruption.[ii] In Scotland, PFAS took the lead in organising project activities, such as campaign and education events, that were designed to deliver these objectives.

Theoretical frameworks

In order to go 'beyond the realm of the descriptive into the realm of the explanatory' (Mills and Bettis 2015, p. 112), multiple theoretical frameworks have been utilised in this article to reflect that the research is located in theories of sport governance and theories of trade union power. The use of more than one framework to understand sports governance has been advocated by a number of scholars (e.g. Hoye and Doherty 2011, Ansell and Torfing 2016, Shaw 2016, Dowling *et al*. 2018). Such an approach acknowledges the complexity of sports governance that cannot be reduced to a single theory, but, as Shaw (2016) notes, 'rather one or many that may help us to understand a little bit more than we did' (p. 22). Where this article

makes an advance on previous research is that it deploys theoretical frameworks from different spheres – sports governance and trade union studies – in order to analyse the specificities of the relationships between the players' union and its institutional counterparts in the governance environment.

The research also seeks to extend the exploratory work undertaken in the field of football industrial relations by Marston *et al*. (2017) who surveyed the terrain of governance relations between management and labour in professional football in thirty countries (not including Scotland) across the globe. They identified a plethora of models and interorganisational relationships that included union membership of governing and league boards, Memorandums of Understanding between institutional actors, collective bargaining arrangements and representational mechanisms at club level. By going beyond these descriptive accounts, this article helps to theorise collective employment relationships in the context of Scottish professional football.

Governance theories of professional football

The traditional European model, as conceived by the European Commission in its document, *The European Model of Sport* (1998) observes that sports are governed in a hierarchical but unified structure with a global body such as FIFA at the apex and grassroots participation at the base. Although some football studies still make use of this traditional pyramidal theory of governance (e.g. Marston *et al*. 2017), limitations of the model have been identified by scholars (e.g. Garcia 2009, Geeraert *et al*. 2012, Geeraert 2015, Gammelsæter and Walters 2020) who note that it fails to consider the influence of other significant actors at national and international levels, particularly the European Union and national governments, but also sponsors, broadcasters, players' associations, agents, and fan groups.

The primary focus of this article is the interorganisational relationships between PFAS and the main institutions in the football governance landscape in Scotland, i.e. the SFA and the SPFL. Consequently, it is preferable to deploy a systemic (e.g. network, stakeholder, collaborative) theory of governance rather than single organisational (e.g. stewardship, agency) theories (Ferkins and Shilbury 2020). Network, stakeholder, and collaborative theories of governance, though certainly not entirely analogous with each other, have sufficient commonalities to be labelled under the rubric of 'systemic' theory (Ferkins and Shilbury 2020). They are now well-established as appropriate frameworks through which to explore relationships between institutions in sports (e.g. Henry and Lee 2004, Byers *et al*. 2012, Ferkins and Shilbury 2015, Parent 2016; Parent *et al*. 2017, Babiak *et al*. 2018). However, the focus of these studies has primarily been to analyse the network and its stakeholders from a governance perspective – i.e. how it comes into being, who belongs, its features, qualities, and problems. As a result, systemic theories have been effective in mapping the governance landscape and analysing the disparate relationships that exist within the network. In the context of the governance of financial regulation, Walters and Hamil (2013) explicitly recognise the importance of power relations among football stakeholders. Nevertheless, an under-theorisation persists in respect of the institutional associations in a negotiated systemic governance environment, specifically between the players' unions and the football regulatory bodies. This study explores the dynamics in the relationship between the professional footballers' trade union (PFAS) and the governing body (SFA) and the professional leagues (SPFL) as it has changed over time since the inception of the *Don't Fix It!* project in 2013.

Theories of trade union power

Given its long history, theories of power in the trade union sphere are plentiful (Kaufman 2008) and provide a rich toolbox from which to choose one, or a combination of theories, that can help to explain how PFAS attempts to pursue the collective interests of its membership. In the

period of high employment in the UK that followed the second World War, dominant theories of trade union power turned on the ability of unions to increase the wage levels of their members in the industries and sectors in which they organised (e.g. Dunlop 1944, Rosen 1969, Oswald 1979). In the more difficult economic and workplace circumstances experienced since 1980, prominent recent theories include, *inter alia*, the mobilisation of members in pursuit of their interests (e.g. Kelly 1998, Martin 1999, Dufresne 2015); theories of trade unions as social movements (e.g. Clawson 2003, Foley 2003, Fairbrother and Webster 2008); trade unions that adopt an 'organising' model of recruitment and campaigning (e.g. Fiorito 2004, Gall 2005, Dörre *et al*. 2009); and strategic business planning models for trade unions (e.g. Weil 1997, Hannigan 1998, Clark 2000). Many of these theories necessarily overlap but, as a common foundation, feature a response by trade unions to long-term decline in membership and influence in the workplace through attempts to actively involve members in achieving strategic trade union objectives rather than as passive recipients of union services.

However, none of these theories appears to be appropriate in the case of PFAS. Collective wage determination is not currently a function for PFAS. Although the union boasts an 80% membership density, it has not pursued a strategy of member mobilisation or industrial action during its history to date. PFAS receives resources from FIFPro so is relieved, to an extent, from the financial pressures that beset other trade unions with a small membership base. Consequently, it can provide a range of benefits over and above levels that are dependent on finances derived solely from membership fees. Therefore, the contemporary theories of trade unions outlined above do not apply to PFAS. In order to overcome this problem, the theoretic framework of trade unions adopted in this article follows in the tradition of trade unions as political institutions that dates back to the ground-breaking work of Sydney and Beatrice Webb in the late nineteenth-century. In their landmark text, *Industrial Democracy* (1897), the Webbs conceived of trade unions as voluntary political representative institutions (Rutherford 2011)

with a diversity of forms of democratic decision-making on a 'whole range of industrial and political policy' (p. 44). Of importance for the purpose of this study is their concluding 'anticipatory' chapter to *Industrial Democracy* (esp. pp. 826-31) where the Webbs predicted some of the features of future trade union problematics. Although they would not have had in mind a professional athletes' union, the Webbs' analysis of the future of unions has significant relevance to the situation of PFAS. They argued that unions would need to pursue three strategic pathways to maintain positions of influence. Firstly, they proposed that unions ought to pursue broader industrial objectives as their wage bargaining role diminished over time. Secondly, the Webbs noted the importance of union provision of 'friendly benefits' to members. They argued that unions would need to adapt to the changing needs of members by offering different types of benefits, such as education, as the state provided more welfare. Finally, they reasoned that unions should become advocacy bodies on behalf of their members by engaging in political action, including lobbying of government.

The Webb's politico-institutional conception of trade unions remained influential throughout the twentieth century, notably in the work of Ross (1948), who contended that 'the union is not a business enterprise selling labor. It is a political institution representing sellers of labor' (p. 22). In the politico-institutional model, trade unions pursue their aims with governments, political parties, and regulatory bodies in addition to direct negotiations with employers. Moreover, trade union strategies shift over time in response to prevailing environmental conditions because trade unions are political, social, and historical bodies as well as economic entities. Batstone (1998) has argued that institutionalism and political engagement help to explain 'the pattern of union influence' (p. 235) by shaping the priorities of the union in response to shifting balances of power and the resources that can be brought to bear by the union in pursuit of its objectives. Unions are able to adjust their strategies and tactics according to the prevailing external conditions which exist from time to time.

Based on the theoretical frameworks described above, the following criteria and research questions were developed for assessing the impact of the *Don't' Fix It!* match-fixing project on PFAS's ability to collectively represent their members:

I. Participation of the union in governing structures: Did involvement in the project enable the union to increase its meaningful involvement in national bodies, committees, or task groups?

II. Changes to the regulatory environment: Did involvement in the project enable the union to exert influence to achieve changes to national legal or football regulations and/or policies that promoted the interests of players?

Methodology

Following the guidance provided by Pyett (2003) the research questions for this article were derived from a larger and, at the time of writing, ongoing impact study. Work on the impact study revealed that a critical aspect of the *Don't Fix It!* project might be its effect on the institutional standing within the game of some of the players' associations that had taken part in the project. Given the paucity of prior research in this area and the political implications of the preliminary finding, pursuing this line of enquiry appeared to be of some importance to scholars and practitioners of sports governance and trade union studies.

The interview subjects are expert witnesses who hold senior positions in their respective organisations. Fraser Wishart is the Chief Executive Officer of PFAS, and Tony Higgins is the President of PFAS and, at the time of the interview, Chair of the Supervisory Board at FIFPro. Iain Blair is the Secretary of the SPFL, and Peter McLaughlin is the Head of Security and Integrity, Scottish FA. The reason for interviewing these officers can be summarised as a belief that the answers to the research questions 'lie with select individuals who have specialized knowledge and know what's going on' (O'Leary 2010, p. 445.8). It was decided to interview

these particular personnel as a small purposive sample due to their involvement in the *Don't Fix It* project and experience of the relationship between PFAS, the SFA and SPFL (Payne and Payne 2004, Mikecz 2012). While the interview sample is small, there was arguably no further research subjects with the relevant extensive knowledge and experience, and a participation rate as low as n=1 (e.g. Shilbury *et al* 2013) is not unknown in the sports governance literature.

Interview data comes from three iterations of research. The first iteration is from 2016 and an interview conducted with Fraser Wishart as part of the larger impact study. New avenues for research emerged in the process of undertaking this study, most specifically around the roles and functions of the players' unions as the institutional actors that aim to collectively represent the players in football governance arrangements. The research team decided to pursue a second iteration of research with a joint interview with Fraser Wishart and Tony Higgins in 2018 that focussed on the longer-term consequences of the *Don't Fix It!* project. The third iteration is separate interviews with Iain Blair and Peter McLaughlin in 2019 that aimed to attain the perspectives from the governing body and league on PFAS influence in football. The researcher followed the guidance of Mueser and Nagel (2009) in conducting expert interviews with a semi-open structure that focussed on the broad topic and involved a discussion with the researcher who had significant expertise in the field given his close involvement in the *Don't Fix It!* project from its inception. Given that the purpose was to elicit the knowledge of experts, the informants were sent the topic questions in advance so they could prepare answers. Interviews were transcribed, passages coded deductively by relevance to the pre-established criteria (i.e. (i) participation in structures and (ii) initiating changes to the regulatory environment), paraphrased, and analysed thematically to develop additional insights and contributions to theory (Meuser and Nagel 2009, pp. 35-6).

Given the need to ensure that 'the research corresponds to the researcher's and the research participants understandings of reality' it was decided to share the 'research findings with

research participants to see if they agree with them' (Bell and Thorpe 2013, p. 64). 'Member checking', as Braun and Clarke describe the process of informant validation of findings, is not without its problems, notably an assumption that the participants have complete access to the 'truth' of their experiences. However, it is justified in this case given the assumption that experts have unique, specialised and detailed knowledge of the case and can therefore make a judgement on whether the 'results are credible and dependable, from the point of view of the participants' (Braun and Clarke 2013, p. 282).

The interview data has been supplemented through examination of documentary material, including strategies, policies, and minutes, that was supplied to the researcher on a strictly confidential basis given the sensitivities of match-fixing within the sport. These documents have been used solely as a secondary source to inform the research and to enhance confidence in the analysis of the interview data. In line with the ethical approval afforded to the research, the supplementary material has not been subject to primary analysis, nor cited directly.

Ethical approval was granted by Birkbeck, University of London for all parts of the research. Interviewees were informed of their rights to anonymity and/or confidentiality. All interviewees declined their rights and have given permission to be named in the article and associated with specific quotes. Interviewees had the opportunity to review a draft of this article and confirmed they did not have any objections to the content as it referred to them. A small number of technical corrections was made to the text as a result of the checking exercise. While this approach may have meant that subjects were less willing to candidly address controversial issues, it was the desire of each participant to be associated with the research in this way. Given the small number of research informants with the requisite status and expertise, ensuring confidentiality, without stripping the data of much that was meaningful, would have been highly challenging given the close-knit community of senior officials who all know each other well over a number of years.

In the transcript excerpts the following code is used: FW1 – Fraser Wishart 1st interview 2016; FW2 – Fraser Wishart 2nd interview 2018; TH – Tony Higgins, 2018; IB – Iain Blair, 2019; PM - Peter McLaughlin, 2019.

Findings

> *I think being part of a project really helped. I think they* [other stakeholders] *saw FIFPro and the unions delivering a professional expertise and a knowledge that probably some of them may not have realised* [we had]. (TH)

Participation in structures

The *Don't Fix It!* project enabled the establishment, under the auspices of the SFA, of a national integrity task force to combat match-fixing. The task force is composed of representatives of the SFA, SPFL, PFAS, Coaches and Managers Association, the police, and the Crown Office and Procurator Fiscal Services. The project gave PFAS the financial and informational resources to take the initiative in helping to create a new structure that involved stakeholders from within and outside of football.

> *[The project] gave us the control and lead if you like in this matter within Scottish football because the rest of the organisations were just in denial that it may or not have happened or it may happen in the future, so that's where I think, firstly, it raised awareness but gave us that lead role.* (FW1)

From the perspective of the SPFL, the project was also regarded as important.

> *We have a specific integrity forum now within Scottish football. That's governed by the Scottish FA. We're involved in that as the league. PFA are a very important partner in that.* (IB)

In 2018/19 the task force was still meeting three or four times a year, providing a forum for the union to provide an update from a players' perspective and to receive information that might concern players from football and national authorities. Membership of the task force is seen as important by the union.

> *I think it has given us credibility within the other stakeholders. It's given us a voice within the game on matters of integrity and I think we're mostly viewed as a trusted organisation. We will have off the table, off the record, discussions with the Integrity Officer […] I think generally it has been helpful in a wider sense because we've become seen as a credible organisation in the eyes of the stakeholders.* (FW2)

The perspective of the SFA broadly aligns with the PFAS view. Peter confirmed that *'Fraser and I will have informal chats … I trust Fraser implicitly. I think he trusts me as well so we can have that informal discussion before we need to take any formal action'* (PM). From the SPFL, Iain noted that the task force '*is not a rule-making body, it's very much an opportunity for the various different interested parties to come together, learn from each other and share best practice etcetera*.' (IB). Peter also corroborated PFAS's role in providing intelligence from other parts of the world through the global channels offered by FIFPro, citing recent cases in Malta and Cyprus as examples. Iain noted that where suspicious activity had been raised at Football DataCo Ltd,[iii] the UK-wide integrity body, '*if we have those, and in the last five years I think we have had two or maybe three cases, then the case would be discussed with our integrity group*.' (IB).

Following the completion of the project, the union has secured membership of other Scottish football committees and working groups. These include sitting on the SFA Congress, the SFA Judicial Panel and SFA working groups on anti-doping and on-field matters (e.g. yellow cards). In addition, PFAS is a member of the SPFL Competitions Working Group which looks at

league structures and the rules and regulations of all the competitions. From the perspective of PFAS, membership of committees and groups is seen as a positive development and an opportunity to exert some influence over the governance of the game that affects its members.

> *We are actually more active, pro-active than anybody else other than the Scottish FA themselves, so I think the guys that work for the Scottish FA like that. The Head of Football Governance, Head of Integrity want people to participate, so yes, I think we are achieving things.* (FW2)

Again, this perspective was borne out by Peter.

> *[Fraser] has a voice that's obviously listened to and he'll put in his tuppence worth from the professional players side of things. So, there's an excellent working relationship with the PFA here.* (PM)

However, Peter also noted the limitations of PFAS influence.

> *We'll not always agree I don't think and I don't mean that necessarily between Fraser and I on a personal level. We are the governing body so there are times where the decisions we take* [that] *PFA Scotland might not agree with.* (PM)

Peter gave the example of a player with a gambling problem that the SFA may need to prosecute whereas PFAS might prefer a more protective approach to the problem, thus underlining the power relations that remain between the governing body and the players union. This was recognised by Tony who commented that '*the power relationship is still a one-way thing, but all unions would say that'* (TH), suggesting that the union is aware of the parameters of PFAS influence.

The *Don't Fix It!* project helped the union to develop relationships with other football stakeholders. In addition, it also had some indirect impact in enabling the union to build

contacts with external organisations such as the government, the police and Members of the Scottish Parliament (MSPs).

> *It created an environment where we should be there […] I think* [after] *Don't Fix It! they accepted that on issues relating to players that it would be useful to have someone there, you know.* (TH)

However, such relationships are organised on an *ad hoc* basis with MSPs and other influential individuals rather than through a formal political strategy. In part, this is because lobbying on employment matters is conducted in Westminster through the offices of the PPF and globally by FIFPro. However overall, from the perspective of PFAS, involvement in diverse structures has improved its ability to have its voice heard on matters related to players by having a seat round the table where decisions are being made on matters that affect players.

Change in the regulatory environment

A small regulatory change that has been made in respect of integrity that arose from the SFA Judicial Panel in which PFAS participates is a consistent minimum tariff of penalty for players who bet on their own game. More broadly, as part of the strategy to promote integrity in football, the SFA expanded the role of the Head of Security and Integrity. Before the *Don't Fix It!* project the post was largely about the security of fans travelling abroad. Since the project, it now has a bigger integrity remit to tackle match-fixing, a development which PFAS believed the *Don't Fix It!* project *'forced … upon the governing body to recognise'* (FW1). Since 2016, the role of the Head of Security and Integrity has been widened further to include work on anti-doping. As Peter confirmed:

> *Because of the role I have here with both security and national team integrity and anti-doping, I sometimes find myself getting spread quite thinly, but I'm very*

fortunate that I now have a deputy who started with me in November. He is focussing solely on the integrity side of the business now. (PM)

Critically from a union perspective, these developments come under the auspice of the integrity function and are therefore discussed at the integrity forum where the union has a credible voice due to its lead role over the years.

A Code of Conduct (2014) in relation to match-fixing was developed by the project and endorsed by the UEFA Professional Football Strategy Council (consisting of UEFA, FIFPro, European Clubs Association (ECA) and European Professional Football Leagues (EPFL)). The Code was distributed to all players in Scotland and a poster was displayed in dressing rooms. However, in 2016 the PFAS believed that to be effective the Code needed more support from leagues and clubs at the national level. The union felt at the time that the problem of match-fixing was still seen by other stakeholders as primarily a problem for players and not for others, such as managers, referees, or directors. To that extent, in 2016 PFAS believed that *'the union is still ploughing a lone furrow on the issue'* (FW1). In 2018, the Code had still not been adopted by the SFA and has no official status in Scotland although this was not seen a major problem by the union *'because we have the integrity task force and a degree of acknowledgement of the role of the PFA, that for us was the important thing.'* (TH). However, the lack of adoption of the Code by the Scottish authorities, despite endorsement at the European level, highlights some of the difficulties PFAS face in driving regulatory change at the national level.

Gaining credibility with, and respect from, other stakeholders, both inside and outside of the game, is viewed by the union as a major benefit of the *Don't Fix It!* project. It is a strategy it has continued to pursue by making sure it is well-informed on specific issues of the sport that affect players.

> *The important thing, as Fraser says, is to have influence as much as possible in the corridors of power on issues that affect players … and do that whatever way you can.* (TH).

Iain also recognised the importance of the SPFL working closely with the PFA over a number of years to help improve the financial stability of clubs and to ensure that proper processes were put in place so that clubs pay wages and taxes on time:

> *We've got a rule that says you must pay your players on time; you must pay your coaching staff on time. You must pay all of the relevant taxes at the right time, and you must give me a mandate to talk to HMRC.* (IB)

For Iain, the *Don't Fix It!* project was more a '*development of the relationship'* (IB) that had been established during these negotiations over club stability.

Since 2016 the union believes that there has been something of a change in the *'mindset of the governing bodies'* (FW2). They now recognise that problems of integrity, in respect of betting against the rules, are not restricted to players but can involve others in the game, including *'a couple of club directors who have been caught by it and sanctioned'* (FW2). Fraser confirmed that it has been critical to the union to persuade other stakeholders that match-fixing and betting irregularities are a problem for the whole game and not just for players. As such, everyone working in the sport needed to shoulder the burden of responsibility to confront the problem. Peter confirmed that he has investigated club directors, some of whom argued that they did not know the rules covered them, although, as Peter stated:

> *When you sign up to be a director of that club … part of the conditions of that is that you're aware of what the rules are […] so I've investigated at least three or four directors over the last couple of years to get the message across.'* (PM)

Overall, aside from some minor rule alterations and the benefit of the *Don't Fix It!* project in bringing integrity issues to the fore with the governing body and league, there has been little formal change in the regulatory environment. While the union has been satisfied with its ability to become part of the stakeholder family, only time will tell if this will lead to an ability to make more concrete changes to the way that football is regulated in the future.

Discussion

The findings from the research show a union in a state of development in respect of its ability to collectively represent its members in relation to the governing institutions of football in Scotland and within the broader political landscape. The challenges facing the union are familiar to those facing other unions in the western hemisphere, with the complication of some specific issues that pertain to the football industry. As Berry *et al*. (1986) note, 'a players' union is not an ordinary trade association. It deals with a special kind of management and attempts to serve the needs of a very select group of workers. […] The membership of a players' association is diverse. Differing skill levels, star appeal, crafts, and attained salaries, produce different outlooks and interests among players' (p. 14). In response to these problems, in the terms developed by Pohler and Luchak (2015), PFAS might be said to be presenting a cooperative 'voice face' (p. 424) to the SFA and SPFL as opposed to adopting an antagonistic approach to employment relations. To an extent, such a strategy is inevitable as the union seeks to pursue its objectives through institutional means rather than through mobilisation of its membership. Nevertheless, pursuing a strategy of being seen by the SFA and SPFL as the recognised voice of the players has necessitated remaining relevant to a diverse membership while establishing a foothold within the decision-making structures of Scottish football.

In other sectors, a critical strategy to arrest the decline in union membership and reduced influence in the workplace has been to encourage members to pursue collective union aims, rather than be the passive recipients of union services. These moves have led to contemporary

theorisation of unions under the rubrics of mobilisation and organising as discussed earlier. In the football sector, an example might be drawn from the dispute between PFA England and the Premier League in 2000 over its share of broadcasting revenues. As Walters (2004) notes, 'when put to a member vote, a 92% turnout resulted in 2290 voting in favour of strike action in contrast to 22 votes against – 99% favouring strike action - from an original ballot number of 2496' (p. 12). With a resounding mandate from its members, PFA England was able to settle the dispute on better terms without resort to an actual strike. However, the apparent dichotomy between a benign 'servicing' union and a more militant 'organising' union has been problematised extensively in the literature (e.g. Bronfenbrenner *et al*. 1998, De Turbeville 2004, McIlroy 2008). Complementing the critiques of a simplistic organising/servicing dichotomy, in the sports industrial relations literature that has emanated from the US system, Berry *et al*. (1986) maintain that, 'there are five weapons at the disposal of the unions: collective bargaining, strikes (actual or threatened), litigation, arbitration, and political lobbying' (p. 257).

However, PFAS tactics are somewhat different to the strategies used by the American players' unions due to its radically different industrial relations situation. PFAS does not have collective bargaining rights and, unlike its counterpart in England, has not threatened, let alone taken, strike action. Labour arbitration is a peculiarly American phenomenon with no corresponding system in Scotland, and, as the interview data showed, PFAS only engages in limited political lobbying. While FIFPro has followed a litigation route that has benefitted higher skilled footballers in Scotland, this has not necessarily been felt by many journeymen practitioners, some of whom may be paid the minimum wage. However, PFAS might be thought of as pursuing an 'influencing' strategy that deploys particular politico-institutional tactics within a systemic governance framework that enables it to collectively represent its members in the form of having a 'voice' round many tables (Barry and Wilkinson 2016). Taking advantage of

the space opened up by the *Don't Fix It!* project, with its creation of a new stakeholder integrity forum, has been of considerable importance throughout this process.

The regulatory framework within football is a challenging environment for trade unions (O'Leary 2017). Given the complexities of the governance landscape, a return to the Webbs' tripartite theory of trade union organisation offers a useful explanatory framework and points towards future strategic options. Firstly, by installing itself on a range of committees, working groups and task forces, PFAS has taken advantage of the semi-autonomy of football governance to pursue a broader industrial strategy outside of wage bargaining. For example, the union has had some success in securing a more consistent approach to sanctions imposed by the SFA Judicial Panel on players who breach the rules on betting. Another accomplishment has been to reduce the length of suspension given to a player for receiving a 'yellow card' for a playing infraction. This change was supported by the clubs who lose a player for less time, thus demonstrating the way that alliances between stakeholders can form over specific issues in a negotiated governance environment. The interview data also suggests that the project enabled the union to shift the discourse that match-fixing is a problem for players alone towards an account that it involves all stakeholders in professional football. The investigation by the SFA's Head of Security and Integrity in 2017 into betting irregularities by club directors marks a significant shift in the narrative in respect of responsibilities to tackle infringements of integrity rules.

This research did not examine the reasons why professional footballers join a union where there is no wage negotiation provided through collective bargaining machinery. It is posited that, to remain relevant to members, the union historically adopted an individual benefits model of trade unionism, offering members access to education, welfare, legal advice, and post-football second career support. Such as explanation is not only consistent with the second strategic

pillar of the Webbs for union provision of 'friendly benefits' but is also in line with Walters' (2004) findings for PFA England.

The maintenance of a high-density membership has enabled the union to justify that it is the collective voice of players. Such a claim is critical as it pursues the final strategy suggested by the Webbs, which is that unions would need to become advocacy bodies on behalf of their members. A consistent theme from the interviews is that the union can take a pro-active role in the committees and working groups on which it has representation. In this way, the union can shape the agenda at governance and league levels that, in turn, affects the terms and conditions of players' employment at their clubs.

Although external political action is a limited activity by PFAS, interview data shows that the *Don't Fix It!* project did enable the union to build informal relationships with government, parliament, the police, and other institutions. These nascent relationships may prove important in future years on issues of sports policy. Finally, as the Webbs suggested, the union deploys its own expert knowledge, often gained from research among its own membership, to support its arguments and recommendations for improvements to players' employment conditions.

The union has been able to take advantage of these developments due to the specific institutional and governance contours of the professional football sector. Critical actors in the political landscape of football are semi-autonomous governing bodies that set out the regulations, including matters that affect players, under which football is organised at the national level. Football leagues, such as the SPFL, organise clubs into a competition structure that must, for the sake of fair competition, have common standards of playing terms and conditions that apply across all its teams. As Geeraert *et al*. (2012) argue, these mechanisms should not be seen as always operating in a top down hierarchical way but as working within a negotiated environment in which the different institutional actors deploy their own specific

strategies to achieve their organisational goals. The interview data suggests that the project acted as a catalyst for the union to increase its ability to have its voice heard at the high institutional level through developing more formal and informal relationships with the SFA and SPFL.

However, caution should be exercised not to overstate the causal relationship. For example, PFAS had already developed an effective prior relationship with the SPFL over club financial stability and the *Don't Fix It!* project represented a development of this working association. It should also be noted that the external conditions for greater union influence in the sports sector have improved over recent years which may have made it easier for PFAS to make the limited gains it has. The issue of sports governance has been given a higher national political priority with the publication of the UK Sports Council's *Code for Sports Governance* (2017) that recommended a stakeholder approach to governance within the sector. Similarly, at the European level, UEFA maintains a Professional Football Strategy Council (PFSC) that includes FIFPro as well as representatives from clubs and leagues. Following his election in 2016 as President of FIFA, Gianni Infantino has replicated the PFSC at the global level with the establishment of a Football Stakeholders Committee that acts as an advisory body to the FIFA Council. As a consequence of these developments, union involvement in sport governance is no longer as exceptional as it once was.

As Kelly (2002) has noted in other circumstances, unions are often adept at developing innovative solutions to the perceived and real crises that have accompanied trade unionism across the globe since the 1980s. The FIFPro *Don't Fix It!* project enabled PFAS to take advantage of a new institutional structure, the integrity task force created during the project, to gain a foothold in the decision-making structures of football as a participating organisation that collectively represents the players. The concrete gains made to date, on yellow cards and suspensions, remain modest and there is no immediate prospect of a collective bargaining

agreement. Notwithstanding these important caveats, PFAS is arguably evolving from a purely membership benefits organisation to a respected institutional actor within the governance structures.

The interview and documentary data show that senior figures in the SFA and SPFL regard PFAS as a credible voice within the game. Recognition is given to PFAS for bringing the issue of match-fixing to the fore and organising the first national stakeholder meeting as part of the project. Nevertheless, the limitations are clear: the division of responsibilities within the game inevitably meant that the ensuing integrity task force would be managed by the SFA. Consequently, PFAS's practical role has largely focussed on player education, which it delivers alongside the SFA. The extent of PFAS influence is often restricted by traditional demarcation lines of responsibility as well as its own historic weaknesses as an organising and mobilising trade union.

Conclusion

This article has explored the ways that PFAS has used the advantages gained through the *Don't Fix It!* project to secure its place as representative organisation of the players within the stakeholder environment of professional football in Scotland. From the data, eight factors can be identified as critical to PFAS's development as an emerging voice within governance structures. Firstly, maintaining a high density of membership that enables the union to justifiably claim to be the representative collective voice of the players; secondly, expert knowledge of the football sector as it applies to players, including from the global game gained through FIFPro; thirdly, being thought of as a trustworthy organisation that operates with high ethical standards for the good of the game as well as the good of the players; fourthly, credibility gained through research among players on issues that affect them; fifthly, membership of industry-specific committees, task forces, forums and other bodies where the union voice can be heard and taken into consideration; sixthly, taking a pro-active approach to

the work of the various bodies in order to take the initiative on behalf of players; seventhly, developing strong interpersonal relationships between the union officers and senior personnel in the SFA and SPFL, and; eighthly, the forming of temporary alliances with other institutions on issues that affect players.

In the negotiated governance environment of professional football, an 'influencing' union can be viewed as an institution, alongside clubs, leagues, governing bodies, media, sponsors, governments and fans, which is part of the political network that makes up the totality of governance structures of Scottish football. Consequently, the union's power will shift from issue to issue and from time to time along with the temporary alliances it forges with other institutions in the network. However, without greater mobilisation of its membership in support of its aims, the union's influence is likely to be attenuated and subject to stronger counter-prevailing forces, notably from the clubs that resist a formal collective bargaining agreement. Nevertheless, PFAS has astutely exploited a project that allowed it to showcase its credibility. In doing so, it has been able to become a more permanent fixture and respected voice in the governing structures of Scottish professional football.

Beyond the immediate context of the project, the relationships developed with external organisations has allowed the PFAS to engage with political and law enforcement institutions over current and emerging issues. For example, PFAS is contributing to national safeguarding policy in response to the child abuse scandal that has rocked professional football in the UK, including Scotland. On the immediate horizon, with free movement of workers due to end as a result of the UK's departure from the European Union, PFAS may be able to use its deepening political relationships to influence policy in regards to the international transfers of players as it affects Scottish football.

The research is limited to the extent that it focuses on one PFA and has not examined whether similar scenarios exist in other countries which took part in the *Don't Fix It!* project. However, despite the caveat that it is necessary to be cautious before generalising from a single case, these findings provide an opportunity for further comparative research within a significantly under-researched set of critical football institutions – the unions.

A further limitation is the reliance for data on a relatively small cohort of expert witnesses interviewed for the research. As Jedlicka (2018) notes, 'it is no secret that gathering data about … sports organisations can be difficult and that there is a lack of collated, publicly available data concerning even the most basic facets of these organisations' (p. 302). Relevant publicly available documentation was not sufficiently informative for the purposes of this research, and the material provided privately was circumscribed by requirements of confidentiality. Nor was it possible to observe meetings of committees or task groups. These limitations have left unanswered several questions, such as the extent to which the acceptance of PFAS within governing structures is genuinely embedded or whether it is symbolic or partially dependent upon transactional exchanges with more established stakeholders.

Despite these limitations, this article has attempted to answer the call of Jedlicka (2018) that, when researching sports' institutions, 'the preference for case-driven work can be maintained while still shifting towards the use of more theoretically informed analytical frameworks' (ibid.). This article has demonstrated that it is possible to deploy existing theoretical insights, historical and modern, that enable us to understand better a contemporary problem. Using similar methods, one avenue of research might include examining athlete participation in governance networks through theories of democracy from the abundant field of political studies. A further research prospect that might be opened up is to investigate the role of international athletes' trade unions through theories developed by Croucher and Cotton (2011) for global union federations in other sectors of the economy. Doing so will not only enable a

richer understanding of sports governance and its institutions but will, at the same time, help to shape those theoretical frameworks for the benefit of other scholars and practitioners through their application to the specificities of the sport sector

References

Ansell, C. and Torfing, J. 2016. Introduction: theories of governance. *In*: C. Ansell and J. Torfing, eds. *Handbook on theories of governance*. Northampton, MA: Edward Elgar Publishing, 1 – 17.

Babiak, K., Thibault, L., and Willem, A., 2018. Mapping research in interorganizational relationships in sport management: current landscape and future research prospects. *Journal of sport management*, 32 (3), 272-294. doi: 10.1123/jsm.2017-0099.

Barry, M. and Wilkinson, A., 2016. Pro-social or pro-management? A critique of the conception of employee voice as a pro-social behaviour within organizational behaviour. *British journal of industrial relations*, 54 (2), 261-284. doi: 10.1111/bjir.12114.

Barry, M., Skinner, J., and Engelberg, T., eds., 2016. *Research handbook of employment relations in sport.* Cheltenham: Edward Elgar Publishing.

Batstone, E., 1988. The frontier of control. *In*: D. Gallie, ed. *Employment in Britain*. Oxford: Blackwell, 218-247.

Bell, E. and Thorpe, R., 2013. *A very short and reasonably cheap book about management research*. London: SAGE.

Berry, R., Gould IV, W., and Staudohar, P., 1986. *Labor relations in professional sports*. Dover, Mass.: Auburn House Pub. Co.

Braun, V. and Clarke, V., 2013 *Successful qualitative research: a practical guide for beginners*. London: SAGE.

Bronfenbrenner, K., Friedman, S., Hurd, R.W., Oswald, R.A., and Seeber, R.L., eds., 1998. *Organizing to win. New research on union strategies*. Ithaca, NY: Cornell University Press.

Byers, T., Parent, M., and Slack, T., 2012. *Key concepts in sport management*. Thousand Oaks, CA: SAGE.

Cameron, M. (n.d.). *Mission statement*. [online] PFA Scotland. Accessible at: http://pfascotland.co.uk/about/Mission-Statement/ [Accessed 5 Aug. 2019].

Clark, P., 2000. *Building more effective unions*. Ithaca, NY: Cornell University Press.

Clawson, D., 2003. *The next upsurge: labor and the new social movements*. Ithaca, NY: Cornell University Press.

Croucher, R. and Cotton, E., 2011. *Global unions: global business.* Faringdon: Libri Publishing.

Dabscheck, B., 2003. International unionism's competitive edge: FIFPro and the European Treaty. *Relations industrielles*, 58 (1), 85–108. doi:10.7202/007370ar.

Dejonghe, T. and Van Opstal, W., 2010. Competitive balance between national leagues in European football after the Bosman case. *Rivista di diritto ed economia dello sport*, 6 (2), 41-61.

De Turbeville, S., 2004. 'Does the 'organizing model' represent a credible union renewal strategy'? *Work, Employment and Society*. 18 (4): 775–794. doi:10.1177/0950017004047963.

Dörre, K., Holst, H., and Nachtwey, O., 2009. Organising - a strategic option for trade union renewal?' *International journal of action research*, 5 (1), 33-67. Accessible at https://nbn-resolving.org/urn:nbn:de:0168-ssoar-411882 [Accessed 10 Jun. 2020].

Dowling, M., Leopkey, B., and Smith, L., 2018. Governance in sport: a scoping review'. *Journal of sport management*, 32, 438-451. doi: 10.1123/jsm.2018-0032.

Drakopoulos, S. and Katselidis, I., 2012. *The development of trade union theory and mainstream economic methodology*. MPRA Paper No. 39239: Munich Personal RePEc Archive.

Dufresne, A., 2015. The trade union response to the European economic governance regime. Transnational mobilization and wage coordination. *Transfer: The European review of labour and research*, 21 (2), 141-156, doi: 10.1177/1024258915573182

Dunlop, J., 1944. *Wage determination under trade unions*. New York: Macmillan.

Duval, A. and van Rompuy, B. eds., 2016. *The legacy of Bosman: revisiting the relationship between EU law and sport*. TMC Asser Press: the Hague.

Ericson, T., 2000. The Bosman case. *Journal of sports economics*, 1 (3), 203-18.

Fairbrother, P. and Webster, E., 2008. Social movement unionism: questions and possibilities. *Employee responsibilities and rights journal*, 20 (4), 309. doi: 10.1007/s10672-008-9091-1.

Fédération Internationale de Football Association, 2016. *FIFA statutes, April 2016 edition*. Zurich: FIFA.

Ferkins, L., and Shilbury, D., 2015. Board strategic balance: an emerging sport governance theory. *Sport management review*, 18 (4), 489-500. doi: 10.1016/j.smr.2014.12.002.

Ferkins, L., and Shilbury, D., 2020. Theoretical underpinnings of sport governance. *In*: D. Shilbury and L. Ferkins, eds. *Routledge handbook of sport governance*. Abingdon: Routledge, Ch.2.

Fiorito, J., 2004. Union renewal and the organizing model in the United Kingdom. *Labor Studies Journal*, 29 (2), 21-53.

Foley, J. R., 2003. Mobilization and change in a trade union setting: environment, structures

and action. *Work, employment and society*, 17 (2), 247- 68. doi: 10.1177/0950017003017002002.

Gall, G., 2005. Organizing non-union workers as trade unionists in the "new economy" in Britain. *Economic and industrial democracy*, 26(1), 41-63.

Gammelsaeter, H. and Walters, G., 2020. Ownership and governance in men's professional football in Europe. In D. Shilbury and L. Ferkins, eds. *Routledge handbook of sport governance*. Abingdon: Routledge, Ch. 10.

Geeraert, A., Bruyninckx, H., and Scheerder, J., 2012. The governance network of European football: introducing new governance approaches to steer football at the EU level. *International journal of sport policy* 5 (1), 1-20.

Geeraert, A., 2015. 'The European Sectoral Social Dialogue Committee in professional football: power relations, legitimacy and control. *Soccer and society* 16 (1), 98-115. doi: 10.1080/14660970.2014.882825.

Gratton, C., 2000. The peculiar economics of English professional football. *Soccer and society*, 1 (1), 11-28. doi: 10.1080/14660970008721245.

The Guardian, 2013. *Europol: investigators identify 380 fixed football matches*. [online] Available at: https://www.theguardian.com/football/2013/feb/04/europol-investigation-football-matchfixing [Accessed 5 Aug. 2019].

Hannigan, T., 1998. *Managing tomorrow's high-performance unions.* London: Quorum Books.

Harding, J., 1991. *For the good of the game: the official history of the Professional Footballers' Association.* London: Robson Books.

Henry, I., and Lee, P. C., 2004. Governance and ethics in sport. *In*: S. Chadwick and J. Beech, eds. *The business of sport management*. Harlow: Pearson Education, 25-41.

Hoye, R., and Docherty, A., 2011. Non-profit sport board performance: a review and directions for future research. *Journal of sport management*, 25 (3), 272-285. doi: 101123/jsm.25.3.272.

Jedlicka, S., 2018. Sport governance as global governance: theoretical perspectives on sport in the international system. *International journal of sport policy and politics*, 10 (2), 287-304. doi: 10.1080/19406940.2017.1406974.

Kaufman, B., 2008. Paradigms in industrial relations: original, modern and versions in-between. *British Journal of industrial relations*, 46 (2), 314-339. doi: 10.1111/j.1467-8543.2008.00676.x.

Kelly, J., 1998. *Rethinking industrial relations: mobilization, collectivism and long waves*. London: Routledge.

Kelly, J., 2002. *Union revival: organising around the world*. London: Trades Union Congress.

Mason, D., 2016. Industrial relations in sport. *In*: R. Hoye and M. Parent, eds. *The SAGE handbook of sport management*. Los Angeles: SAGE, 495-513.

Marston, K. T., Boillat, C., and Roitman, F., 2017. *Governance relationships in football between management and labour – players, clubs, leagues and national associations.* Neuchâtel: CIES.

Martin, R., 1999. Mobilization theory: a new paradigm for industrial relations? *Human relations*, 52 (9), 1205-1216.

McIlroy, J., 2008. 'Ten years of New Labour: workplace learning, social partnership and union revitalization in Britain'. *British journal of industrial relations*, 46 (2), 283–313.

Meuser, M., and Nagel, U., 2009. The expert interview and changes in knowledge production. *In*: A. Bognor, B. Littig, and W. Menz, eds. *Interviewing experts*. Basingstoke: Palgrave Macmillan, 17 – 42.

Mikecz, R., 2012. Interviewing elites: addressing methodological issues. *Qualitative inquiry* 18, (6), 482-493. doi 10.1177/1077800412442818.

Mills, M. and Bettis, P. J., 2015. Using multiple theoretical frameworks to study organizational change and identity. *In*: V. Anfara and N. Metz, eds. *Theoretical frameworks in qualitative research* (2nd edition). Thousand Oaks, CA: SAGE, 96-118.

Neale, W., 1964. The peculiar economics of professional sports. *The quarterly journal of economics*, 78 (1), 1–14. doi:10.2307/1880543

O'Leary, L., 2017. *Employment and labour relations law in the Premier League, NBA and international rugby union*. The Hague: T.M.C Asser Press.

O'Leary, Z., 2010. *The essential guide to doing your research project*. Los Angeles: SAGE.

Oswald, A. J., 1979. Wage determination in an economy with many trade unions. *Oxford Economic Papers*. 31 (3), 369-385.

Parent, M., 2016. Stakeholder perceptions on the democratic governance of major sports events. *Sport management review*, 19 (4), 402-416. doi: 10.1016/j.smr.2015.11.003.

Parent, M., Rouillard, C., and Leopkey, B., 2011. Network governance of a multi-level, multi-sectoral sport event: differences in coordinating ties and actors. *Sport management review*, 20 (5), 497-509. doi: 10.1016/j.smr.2017.02.001.

Parrish, R., 2011. Social dialogue in European professional football. *European law journal*, 17 (2), 213–29.

Payne, G. and Payne, J., 2004. *Key concepts in social research*: London: SAGE.

Pohler, D. and Luchak, A., 2015. Are unions good or bad for organizations? The moderating role of management's response. *British journal of industrial relations*. 53 (3), 423–459. doi: 10.1111/bjir.12042.

Pyett, P., 2003. Validation of qualitative research in the "real world". *Qualitative health research*, 13 (8), 1170-1179. doi: 10.1177/1049732303255686.

Quirk, J. and Fort, R., 1999. *The abuse of power in pro team sports*. Princeton: Princeton University Press.

Rosen, S., 1969. Trade union power, threat effects, and the extent of organization. *Review of economic studies*, 36 (2), 185-196.

Ross, A. (1947). The trade union as a wage-fixing institution. *The American economic review*, 37 (4), 566-588.

Rossi, G., Semens, A. and Brocard, F., 2016. *Sport agents and labour market: evidence from world football*. London: Routledge.

Rutherford, M., 2011. *The institutionalist movement in American economics, 1918-1947*. Cambridge: Cambridge University Press.

Schwab, B., 2017. "When we know better, we do better." Embedding the human rights of players as a prerequisite to the legitimacy of *lex sportiva* and sport's justice system. *Md. J.*

Int'lL., 32 (1), Article 4. Available at: http://digitalcommons.law.umaryland.edu/mjil/vol32/iss1/4.

Shaw, S., 2016. Importance of theory in qualitative enquiry. In G. Cunningham, J. Fink, and A. Docherty, eds. *Routledge handbook of theory in sport management*. New York: Routledge, 21-29.

Shilbury, D. and Ferkins, L., eds., 2020. *Routledge handbook of sport governance*. Abingdon: Routledge.

Shilbury, D., Ferkins, L., and Smythe, L., 2013. Sport governance encounters: insights from lived experiences. *Sport management review*, 16 (3), 349-363. doi: 10.1016/j.smr.2012.12.001.

Staudohar, P., 1986. *The sports industry and collective bargaining*. Ithaca: ILR Press.

Szymanski, S., 2009. *Playbooks and checkbooks*. Princeton: Princeton University Press.

Szymanski, S., 2015. *The economic arguments supporting a competition law challenge to the transfer system.* Hoofddorp: FIFPro. Available at: https://www.soccernomics-agency.com/?p=850 [Accessed 9 May 2020].

Walters, G., 2004. *The Professional Footballers' Association: a case study of trade union growth.* Available at: http://www.sportbusinesscentre.com/wp-content/uploads/2012/08/sotg20062.pdf

Walters, G., and Hamil, S., 2013. The contests for power and influence over the regulatory space within the English professional football industry, 1980–2012. *Business history*, 55 (5), 740-767. doi: 10.1080/00076791.2013.771339.

Webb, S. and Webb, B., 1897. *Industrial democracy*. London: Longmans, Green, and Co.

Weil, D., 1997. *Turning the tide: strategic planning for labor unions*. Winchester, MA: Booktech.com.

Worker-participation.eu., 2019. *United Kingdom / Countries / National Industrial Relations / Home - WORKER PARTICIPATION.eu*. [online] Available at: https://www.worker-participation.eu/www.worker-participation.eu/index.php/National-Industrial-Relations/Countries/United-Kingdom [Accessed 5 Aug. 2019].

Notes

[i] Case C-415/93 in *Reports of Cases before the Court*, 1995, 4921.

[ii] Ref EAC/506/2012/016. For a description of the project see http://ec.europa.eu/sport/policy/preparatory-actions/documents/016-0554-fifpro_en.pdf.

[iii] http://www.football-dataco.com/home/what-we-do/