

athletes within the power structures of elite sports - breaking the barrier of neglect

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Play the Game 2019
Colorado Springs, Colorado, USA

Outline

Brief summary of study

1. Why athletes' activism is on the rise worldwide and in Germany
2. Athleten Deutschland e.V. (Athletes Germany)
3. Rule 40
 1. Commitment agreement by the IOC and DOSB
 2. Conclusion regarding Rule 40 structural changes
4. Athletes' representation (Germany)
 1. Problems of German athletes' representatives
 2. Implications for the Future
5. International athletes' representation



Why athletes activism is on the rise? (international)



International doping scandals / anti-doping system



Athlete representation / power imbalance



Sexual abuse cases



Cover-ups about mistreatment, abuse, bullying and discrimination



demand more openness and accountability



Massive injection of capital (IOC, NOCs, IF, NCAA)



Rule 40 and 50 - Many profit from - except athletes



Legal disputes: athletes or institutions (California (NCAA) + (Rule40))



Political considerations (e.g. USA, Italy, EU): limit autonomy of sport



IOC eyewash: „Athletes’ Rights + Responsibilities

Declaration“, Athletes Forum 2019



Needs more focus: women with high testosterone (IAAF + IOC)



Why athletes activism is on the rise? (Germany)



International doping scandals (especially Russia)



Structure of elite sports + financial support (e.g. Army)



Dual career paths / problems



Elite sports reform



A litany of scandals (e.g. IOC, DFB, LSVS)



demand more openness + accountability



Runaway commercialism, IOC payments to the DOSB - German Olympic athletes still have their rights limited – further legal disputes possible



Power imbalance within German elite sports and Olympics (IOCAC)



Appreciation + recognition



Still no topic: Abuse in German sports common (approx. over 200.000 cases), tampering etc. - Athletes often stay quiet.



Athleten Deutschland e.V.


- felt they didn't have the power to bring change to German elite sports within the NOC (DOSB)
- decided to form an independent interest group

 government grant 450.000€

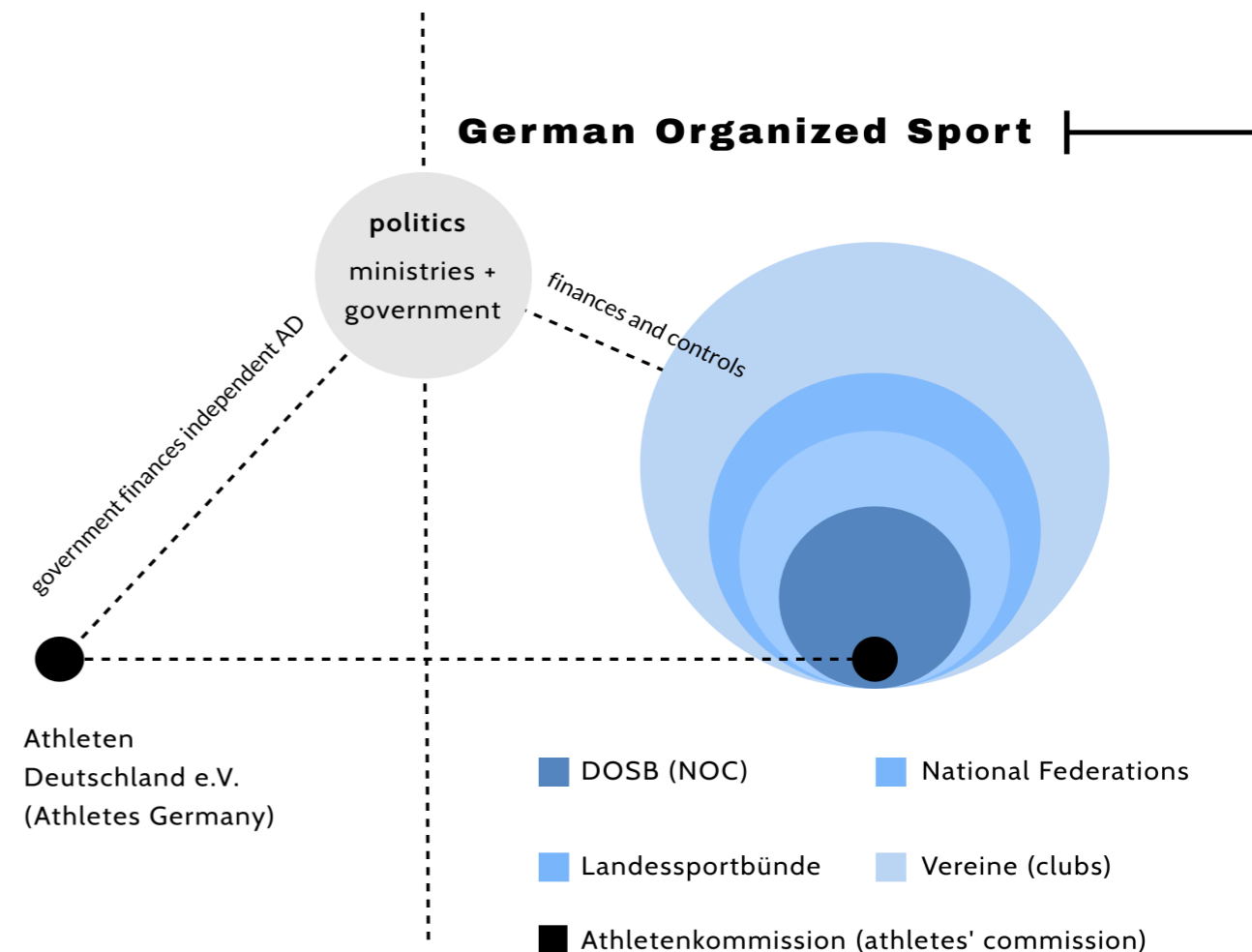
 Athletes' voice

 Legal support

 CEO

 Network/ platform for all athletes/ all sports

 **Rule 40 decision**









RULE 40







in Germany



Commitment Agreement by the IOC and DOSB

-  Athletes don't have to notify the DOSB
-  Ongoing and new advertising will be permitted
-  Terms such as "Gold or Summer Games" are now permitted.
-  Certain competition + non competition pictures can be used
-  Social media is now permitted during the Games- **Game Changer?**
-  Sporting sanctions can't be used where guidelines have been ignored, cases must be decided in civil courts- **Autonomy of sport gets cut**

Conclusion Rule 40

-  IOC agrees not to exclude German athletes who violate the relaxed Rule 40 from the OG
-  IOC: relaxation of Olympic advertising restrictions is only applicable to the DOSB's application of Rule 40
-  Other European athletes should sue the IOC for unfair competition
-  Federal Cartel Office has ruled that the application of Rule 40 by the DOSB constitutes 'abusive conduct' under its assessment of GER+EU law
-  challenges in other jurisdictions are possible
-  e.g. relaxing Rule 40 regarding the media blackout would cost the IOC nothing! Result: **Modernization of the Games**



PROBLEMS OF GERMAN ATHLETE REPRESENTATIVES

findings

- ✘ Some are not voted in by their peers
- ✘ Federation-friendly athletes were intentionally selected
- ✘ Often don't have the time + financial support
- ✘ Feel neglected by their officials
- ✘ Sometimes not even feel taken seriously
- ✘ No voting power in the executive committees / boards
- ✘ Power structures are a problem
- ✘ No legal background – often cannot support fellow athletes



- ✘ Fear repercussions
- ✘ Mistreated by officials
- ✘ Athletes representatives on top have a certain power through an extensive media coverage (indirect protection)
- ✘ Athletes representatives in the individual sport don't have this kind of "protection" (abuse of power possible)
- ✘ Feel ashamed by not being able to help
- ✘ Some not interested in fellow athletes
- ✘ Mistrust towards officials regarding sensitive material



IMPLICATIONS FOR THE FUTURE

Germany

ACHIEVABLE

- ✓ Professionalization
- ✓ New financial support for athletes
- ✓ Legal support
- ✓ Media + political attention
- ✓ Public support
- ✓ Advanced time management/ support
- ✓ Self-improvement of athletes' representatives
- ✓ Networks
- ✓ Oversight/ support
- ✓ Publishing maldevelopments/ malpractice



HARDER TO ACHIEVE

- ✗ Voting structure within federations / power of athletes' representatives (50/50 quota?)
- ✗ Power shift to prevent abuse/ malpractice
- ✗ Protection of athletes' representatives in individual sports
- ✗ Compensation of athletes' representatives
- ✗ Legislative changes in favor of athletes (e.g. German Sports Act?)
- ✗ Establishment of unions in individual sports complicated
- ✗ Athleten Deutschland e.V. will need more financial support in the future

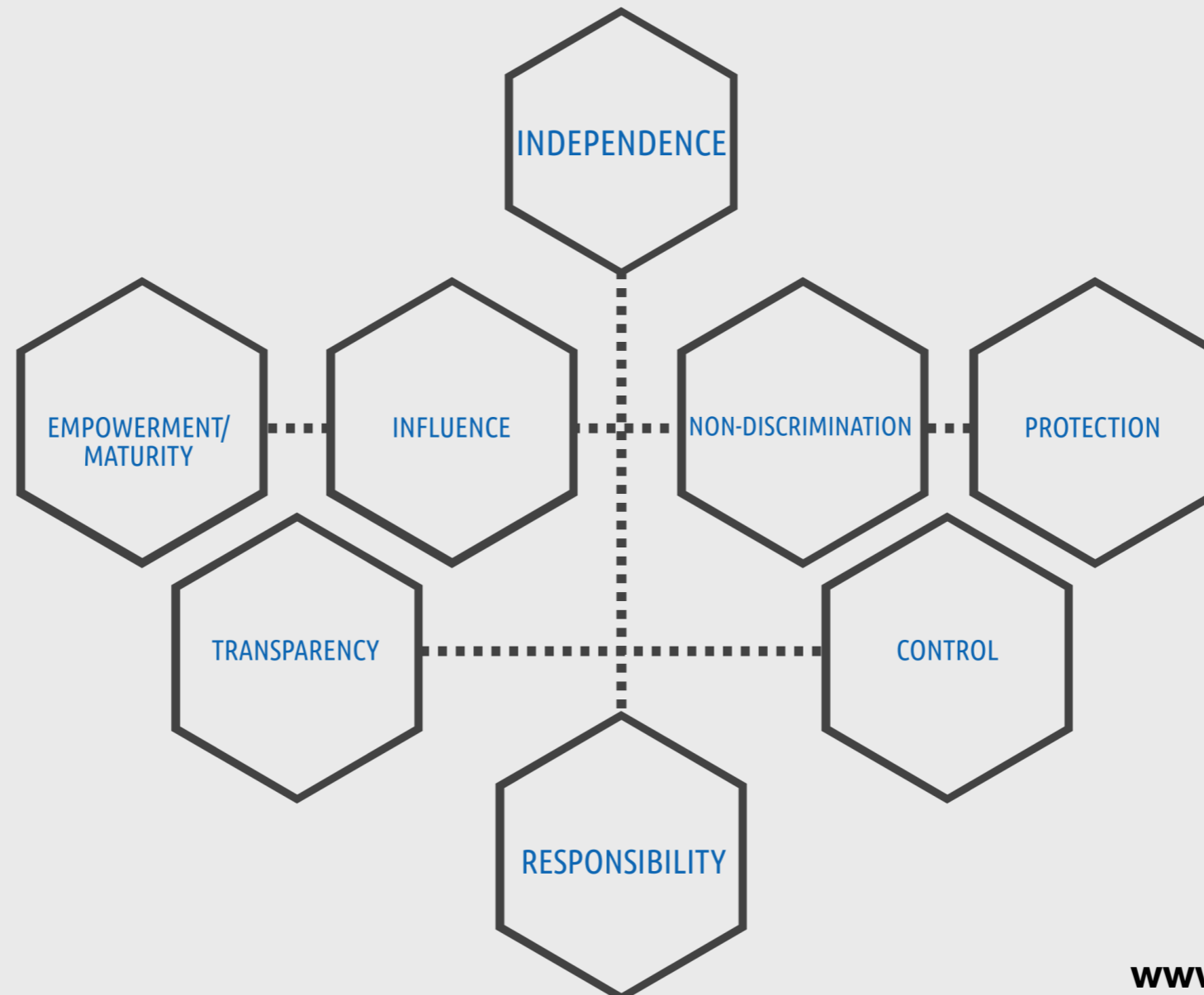




ATHLETEN DEUTSCHLAND

AN INTERNATIONAL PROTOTYPE?

The German independent athletes' representation Athleten Deutschland (Athletes Germany) increases the athletes' influence on elite sports. Since the introduction of Athletes Germany improvements in different sectors can be identified, in others these can be predicted. Only if athletes' commissions split from their National Olympic Committees (DOSB) completely, athletes will have the power to bring change.



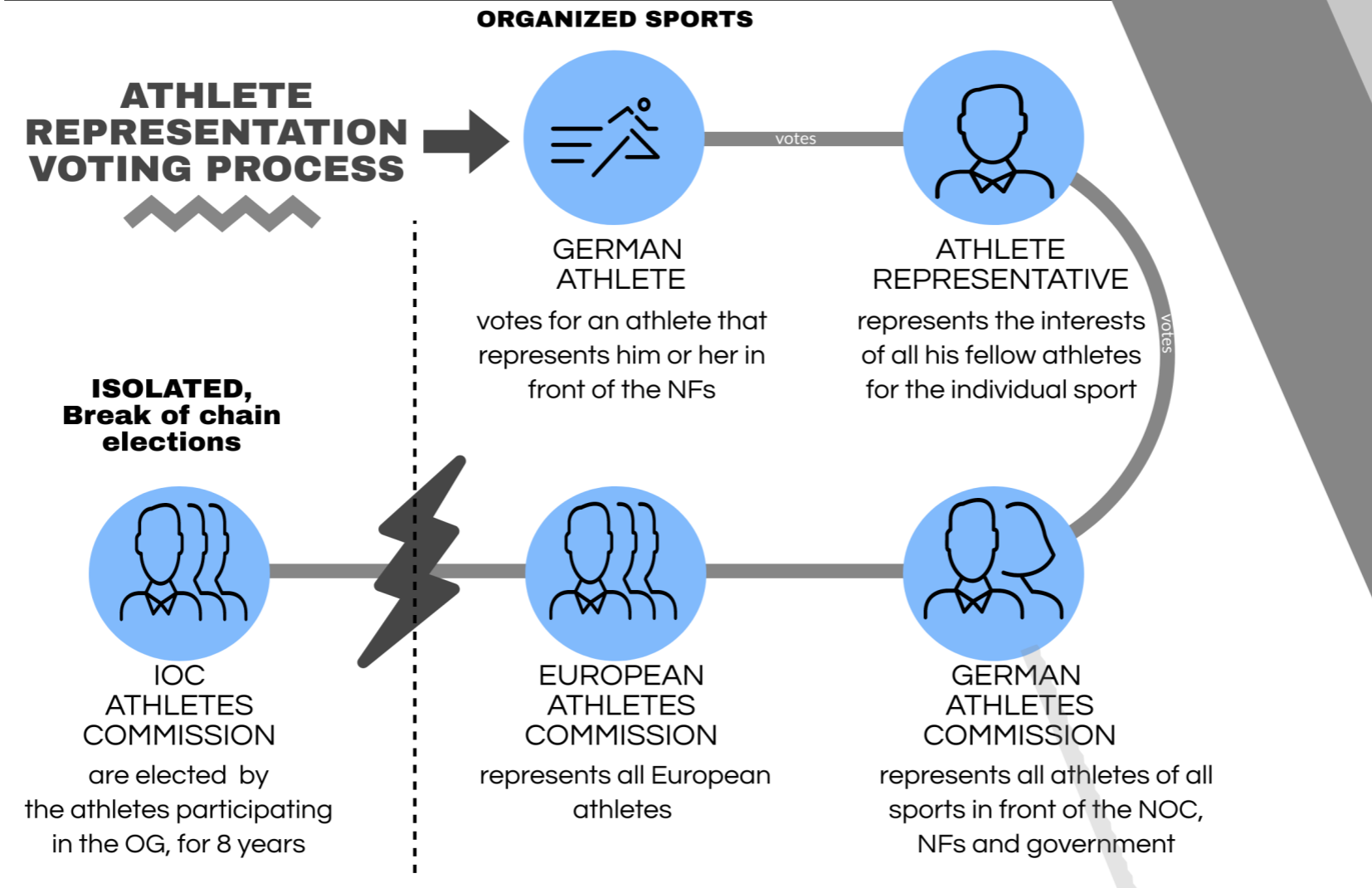
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Visit

ATHLETES' COMMISSIONS

FROM THE INDIVIDUAL TO THE IOC




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INDEPENDENT MOVEMENTS


GLOBAL ATHLETE
independent advocacy group - legitimacy?


WORLD PLAYERS ASSOCIATION
unions like uni global are important players in the world of sports

 **Athleten Deutschland e.v.**
decision was made with all athletes representatives in 2018
same board as in the athletes commission - legitimacy assured



Conclusion

Global Perspective

- Athletes still often scapegoats
- Runaway commercialism / indentured servitude - built on nearly unpaid labor (athletes + stadiums)
- Athletes don't want to take money away from the IOC
- Agenda 2020 - Zealous defense of bogus principles
- Rule 40 = Indirect price fixing
- Athletes should be permitted to thank regional sponsors
- Disconnection of IOCAC and ACs worldwide
- **BUT also:** Possible disconnection between Western world athlete reps + other athletes reps

Outlook/ Future

- Threats loom on multiple fronts: athletes, courts, politics, breakaway movements, public disgust

Checks and balances / culture of compliance needed



Independent representation



Protection of athletes' representatives



Unions

Quota (50/50)



break the monopoly: separation as a solution?



New sports acts (legislative)
Court rulings (judiciary)



Thank You

Thank you for your attention.
Any questions?

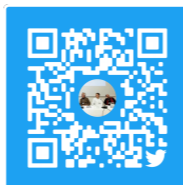
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THE ATHLETES WITHIN THE OLYMPIC MOVEMENT

TOP 10%

OLYMPIC
MOVEMENT



WORLD
ANTI
DOPING
AGENCY

BOTTOM

many athletes live off the financial support of friends, family, charity and public assistance — the only reward they'll get for making the Olympic team is a big bag full of free clothing, they are forced to wear at all events

01

IOC EXECUTIVE MEMBERS

travel first class, 5 stars hotels, receive money to attend Games, get an "allowance", 17 members in the executive board, 100 members in the IOC

02

EXECUTIVES OF THE ORGANIZING COMMITTEE

Get thousands of dollars

03

NATIONAL OLYMPIC COMMITTEEs (NOCs)

Thousands of officials around the world - USOC: 14 executive members earn more than 200.000\$, 121 employees more than 100.000\$

04

INTERNATIONAL FEDERATIONS

Hundreds of officials around the world - some CEOs earn more than 1 Mio \$

05

NATIONAL FEDERATIONS

Thousands of officials around the world - some CEOs earn more than 1 Mio \$

06

Extreme legal system/ Restrictions

THE ATHLETES

11,237 athletes participated in Rio, most of them depend on private financial support



RULE 40 AS SYMBOL OF INDENTURED SERVITUDE



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Non-Olympic Partners are not allowed to...



1. Share...
2. Repost...
3. Re-tweet any content with Olympic references

This includes content from...

The IOC, Tokyo Organizing Committee, any NOC, an athlete, coach/ official, a media outlet (e.g. Eurosport/ Discovery) or a general account (e.g. a fan or general consumer)

Reference Olympic results and/ or accomplishments (wins, medals, etc.) including but limited to in congratulations

Post any well- wishing messaging

IN GENERAL: NON Olympic Sponsors cannot reference the Olympics in any way.



These rules are legally binding for example through agreements between IOC, USOC, and US Patent & Trademark Office.

Punishment by IOC or NOC: legal action, disqualification of the athlete, revoke credentials

