



World Players Association
#WorldPlayersUnited

Mr L Valloni
President
World Association of Icehockey Player Unions

Flughofstrasse 39
Zurich 8152
Switzerland

valloni@waipu.ca

Nyon, Switzerland, Tuesday 12 February 2019
Our Ref: Matthew Graham / Brendan Schwab
brendan.schwab@uniglobalunion.org
M: +41 79 202 1928; D: + 41 22 365 2161

Expression of support for WAIPU

Dear Dr Valloni,

The World Players Association (World Players) brings together 85,000 players across professional sport through more than 100 player associations in over 60 countries. Although WAIPU is not yet able to affiliate with World Players, we write to support the efforts of WAIPU to promote the collective representation of professional hockey players including, in particular, in the Canadian Hockey League (CHL).

WAIPU has identified and campaigned strongly in relation to the treatment of players in the CHL, which we understand include:

- Players filing a class action seeking CDN\$187,000,000 for past wages and leave entitlements due to the refusal of the CHL to acknowledge the employment status of the players
- The proposed and actual enactment of provincial / state laws in both Canada and the US denying players their right to a legal wage and other employment protections
- Players having their image rights exploited in video games, or other multi-media, without remuneration for use of these rights
- Players being exposed to unsafe training and playing environments with disturbing recorded instances of child, sexual and physical abuse
- Players having their right to freedom of association interfered with through the imposition of administrative policies which have the object or effect of preventing unionization.

Unfortunately, the treatment of players in this way is too common in the world of sport. The players in the CHL should know that they are not alone and major organising efforts are

underway seeking to advance the collective interests of players in sports as diverse as football, basketball, rugby, and cricket.

To this end, World Players is working around the world to ensure the internationally recognised human rights of players and athletes are respected at national, regional and global levels. Considerable advances have been made in recent years through the implementation of the *United Nations Guiding Principles on Business and Human Rights* (UNGPs) which since 2017 have been formally adopted by Fédération Internationale de Football Association (FIFA), the Commonwealth Games Federation (CGF), as well as being embedded within the governance of the multi-stakeholder Centre for Sport and Human Rights (CSHR) launched in June 2018. They have also been incorporated in the host city contracts of the International Olympic Committee (IOC), and the Union des Associations Européennes de Football (UEFA).

The UNGPs require sports organisations to take a proactive approach to respect internationally recognised human rights through adopting the requisite policy framework, undertaking due diligence to assess any risks to the violation of human and labour rights, openly engaging with key stakeholders and representatives (including trade unions) and providing, where needed, access to a remedy. The relevant internationally recognised human rights at a minimum include those expressed in the International Bill of Human Rights and the core labour standards in the International Labour Organization's (ILO) Declaration on Fundamental Principles and Rights at Work. The UNGP framework is certainly applicable to the CHL, as they are to all sports enterprises with significant commercial activities, as explained in Professor John Ruggie's April 2016 report to FIFA "*FIFA For the Game. For the World: FIFA & Human Rights.*"

The Universal Declaration of Player Rights (UDPR) was developed in accordance with the UNGPs and signed by representatives of all affiliates to World Players on 14 December 2017. It articulates the rights of players under international law and is intended to protect all players through providing that "[E]very sport" should ensure "that the internationally recognised human rights of the player[s]... are legally adopted within the constituent documents of their sport or pursuant to a collective bargaining agreement."

Accordingly, the CHL should commence implementing these processes, and undertake an impact assessment identifying how its activities adversely affect the labour and human rights of players. This would have prevented the various concerns outlined, with the CHL's obligation to respect human rights existing over and above compliance with national laws and regulations.

The UNGPs also require the State to protect human rights, including through ensuring that laws and policies governing business enterprises do not constrain, but enable respect for human rights. The common practice of States passing specific legislation that denies athletes their labour rights is inconsistent with this, and should urgently be reviewed with corrective measures implemented ensuring that athletes receive the same level of protection afforded to ordinary workers.

Again, CHL players are not alone in this respect, as various jurisdictions have passed laws which exclude athletes from the protection of laws in contexts such as employment, image rights, health and safety, workers' compensation, privacy and access to justice. This is also compounded by sports specific legislation that imposes disproportionate obligations on athletes in a purported attempt to safeguard the integrity of sport.

Ensuring that the regulatory practices of sport bodies and governments comply with core labour standards is a key issue for 2019 and will be the subject of the ILO's inaugural Global Dialogue on Decent Work in the World of Sport. World Players will play a leading role in this forum and the outlined regulatory and legislative practices in Canada underscore how timely this is.

Players are people first and must be treated accordingly without having their rights subordinated to sports specific laws or regulations. Globally, the collective strength of World Players and our affiliate base together with our accumulated expertise in the field of business and human rights

can be leveraged to facilitate dialogue on behalf of professional hockey players with the International Ice Hockey Federation (IIHF). As the world governing body of ice hockey, the IIHF must also comply with the UNGPs and exercise leverage to ensure the sport is conducted in accordance with internationally recognised human rights wherever it is played, including in the CHL. We have had success supporting our affiliate FIFPro on such issues in the design and implementation of FIFA's human rights commitments and are engaging with other international sports bodies to ensure the rights of athletes are protected, respected and upheld.

It is important that the rights of CHL players are protected, respected and fulfilled in accordance with international standards. The CHL, and national and provincial governments, must engage in good faith with the players through their national and global unions to ensure their practices align with the global expectations of sports bodies in protecting the human and labour rights of players, and citizens.

Yours sincerely,



Brendan Schwab
Executive Director