

PLAYER ASSOCIATIONS IN PROFESSIONAL SPORTS SECTOR AND THE SITUATION IN TURKEY

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INTRODUCTION

As industrialization created more time for leisure, both men and women developed an interest in sport, as participants in pursuit of a healthy life style and as spectators as a form of entertainment and escape from the grind of daily life. Concurrent with this, media and other communication opportunities allowed professional sports to be broadcast around the world. These processes enhanced the importance of and interest in sport, especially, if not particularly, professional sport.

With the passage of time the demand for and the economic value of sport has steadily increased. For example, ABC, ESPN and TNT spent 4.6 billion dollars for the broadcast rights of National Basketball Association (NBA) matches for 6 years. Microsoft spent 40 million dollars for the live audio rights of Major League Baseball for 2005. Currently, 12 of the 29 NBA teams are owned by multibillionaires. Persons of such wealth have also stakes in an increasing number of European football teams (MITTEN-DAVIS-SMITH-BERRY: p.981).

An important part of this process is the stature afforded to players; the creators, stars and idols of everything that occurs on the sporting arena. In various codes across the globe they have created unions to protect their rights and interests. Such unions, or player associations, as they more generally describe themselves, bargain over a wide range of matters. With the passage of time, their expertise has grown and they have assumed an increasingly important role in the governance of and the progress and development of their respective sports.

A BRIEF HISTORY OF PLAYER ASSOCIATIONS IN PROFESSIONAL SPORTS

J.G. Scoville observed that player associations are almost old as professional team sports (SCOVILLE: p.206). The earliest known player association was the National Brotherhood of Professional Baseball Players, formed in the United States in 1885. After an unsuccessful attempt by players to form their own league, it disintegrated in 1890. There were four other failed attempts to form player associations in North American Baseball in 1900, 1912, 1918, 1922. In 1954 the Major League Baseball Players Association (MLBPA) was formed and it still exists as an aggressive and successful organization. According to DABSCHECK, the MLBPAⁱ is the most successful trade union that has ever existed. In 2002, for the average income of the players was \$2.38 million in 2002. It had increased from an average of \$19,000 in 1965 (DABSCHECK, 2003: p.107).

The National Football League Players' Association (NFLPA) formed in 1955ⁱⁱ. Following these two actions, the National Hockey League Players' Associationⁱⁱⁱ (NHLPA) and the National Basketball Players' Association^{iv} (NBPA) were formed in 1957 and 1964 respectively (DABSCHECK, 1979: pp.226-227). American sport then, has four player associations, each of which has been in operation for approximately half a century.

In Europe there have been numerous attempts to establish player associations. The oldest continuous players' association in professional team sports is England's Professional Footballers' Association (PFA)^v which formed in 1907 (WALTERS: pp.1-5). In most Western European countries, football players have created player associations. For example, in

France there is the Union Nationale des Footballeurs Professionnels (UNFP); in Germany Vereinigung der Vertrags Fussball Spieler (VdV) and in Italy Associazione Italiana Calciatori (AIC). In 1965, representatives of player associations from France, Scotland, England, Italy and Holland formed the International Federation of Professional Footballers' Associations (FIFPro), a confederation of player associations. It has 42 members, the majority of which are based in Europe.^{vi} Similar confederations exist in rugby union and cricket.

In Australia, there have been numerous failed attempts to form players' associations. The oldest player association in Australia is the Australian Football League Players' Association (Australian Rules football)^{vii} formed in 1973. By 2003, there were 7 player associations in Australia in football, rugby league, rugby union, basketball, soccer, cricket and netball (DABSCHECK, 2003: p.109).

CHARACTERISTICS OF PLAYER ASSOCIATIONS

Player associations have many characteristics in common with other collective bodies which seek to enhance the income and welfare of the workers that they represent. They also have some special or unique characteristics which result from their operation in the various markets which make up the sports industry.

They are small unions with a high union density. As the number of players who are employed in clubs and leagues are small, the player associations that such players have formed are also small. Despite this, they have a high level of union density. It is more than 90% in the PFA and the NBA^{viii}. It can be generally said that, amongst professional players, it is the norm or custom to join unions. This in turn, is related to the functions and support that associations provide to members (STAUDO HAR: p.3).

They are stand alone bodies rather than organize across sport more generally. For example, basketball, baseball, football and hockey player associations in America operate as separate organizations. Football player associations in different parts of Europe, with the exception of FIFPro (see above) organize and operate as separate bodies. An exception to this, is the Norwegian Players Association NISO, which organizes football, handball and ice hockey players under one single umbrella^{ix}.

They have a high profile. In contrast to the general decline in unions across the globe player associations have grown (see above) and have a high profile. This is mainly due to the fact that players are idols and generally have a positive image. Due to this and despite some extraordinary examples, such as some scandal players, society is usually by the side of players and their associations (ROSEN-SANDERSON, p.8). On the other hand, the value of the professional sports sector is very high and a cut-off in the action of the sector by a strike or lock-out causes huge losses and this makes the unions powerful^x.

Their membership composition is different from other trade unions. In a standard union, members, generally speaking have the same levels of skill; they do the same job and earn similar wages. But in professional sport, while players all perform the same type of work in the respective games that they play they vary enormously in terms of their levels of skill. Some are the superstars and legends who are known to every fan across the globe. Others are journeymen who will have respectable careers but will only be known to supporters of their respective teams. Most will be young hopefuls who will quickly fall by the wayside only known to their family or friends for their brief time in the sporting sun. A problem for a player association is to balance the competing demands and diverse interests and needs of its members.

They have enjoyed capable and resourceful leaders. While player associations have had varied histories, they have invariably and/or eventually found capable and resourceful leaders to pursue their needs. For example, Billy Meredith the founder and Gordon Taylor the existing chief executive of the PFA made major contributions, as have Lawrence Fleisher and Charles Grantham for the National Basketball Players' Association, and Marvin Miller for the MLBPA (STAUDO HAR, p.3; GOULD IV: p.65)^{xi}.

Their main income is not from membership fees. In what would be regarded as a traditional union, the major source of income is from membership fees. For player associations, however, with their small membership, such fees would not generate enough income to sustain operations. Their main source of income has been from shares of broadcasting and other player generated income as negotiated as part of collective bargaining agreements.

ACTIVITIES OF PLAYER ASSOCIATIONS

Distinguishing between the internal and external activities provides a useful way to understand their *modus operandi*. Internal activities refer to their interactions with members; and external to their interactions with leagues, clubs, and the general public.

Internal Activities

Internal activities provided by player associations to members include occupational consultancy, legal advice, second career education and training, insurance and financial consultancy. For example the German Professional Footballers' Union (VdV) represents members when they become embroiled in legal matters and disputes, provides life and injury insurances; represents members in disciplinary hearings, provides advice and funds for technical education to enhance the finding of second careers when their days as a footballer comes to an end, and provides players with access to financial consultants to help members make the most from the high but temporary incomes they obtain while being professional players.^{xii} Just like VdV, the French Professional Footballers' Union UNFP and the Italian association AIC provide members with insurance, financial, second career and educational advice and help.^{xiii}

In the United States of America, the four major player associations identified above operate in a similar way. The NBPA is a good sample. Almost every player can, at some point in his career, make use of

- Expert legal advice and/or representation in a dispute;
- Receive salary and other information to help in individual contract negotiations;
- File a grievance;
- Appeal a fine or suspension;
- Help resolve player/agent disputes; or
- Protect medical or other rights and benefits.

There are numerous privileges that flow from membership of the NBPA. The leadership of the union encourages members to actively participate in and contribute to the business and governance of the NBPA. The association also urges members to learn more about the multi-billion dollar business that is basketball. One of the advantages of 'smallness', associated with player associations is that enhances their ability to involve members in their decision making processes and to be democratic organisations run for and by players^{xiv}.

Player associations seek to enhance their internal cohesiveness to enhance their ability to be successful in their external activities, particularly in their relationships with leagues, and the respective clubs that are members of such leagues, in obtaining benefits for members.

External Activities

Leagues and clubs. Generally speaking, the major external activity pursued by unions is to enter into collective bargaining agreements with those who employ their members. The activities of player associations, with respect to what might be called this fundamental aspect of unionism, differs between player associations in European football and those of the United

States of America. Industrial relations in North America is characterised by the negotiation of lengthy and sophisticated collective bargaining agreements; a process which basically commenced in the second half of the 1970s as the respective player associations 'found their feet' and became more successful organisations.^{xv} It might be added here that such negotiations have generated widespread coverage by the media, which in turn is a reflection of the interest that the general public has in sport (STAUDO HAR, p.6).

In North America, player associations have utilised strikes and leagues and clubs, the lock out in the making of collective bargaining agreements. For example, in 1998 a lock out in basketball lasted more than 6 months with an estimated loss of \$1.4 billion to both sides (STAUDO HAR: p.4-8)^{xvi}. In 2005, the entire season of the National Hockey League was cancelled due to the dispute between the NHLPA and the League over the latter's attempt to impose a salary cap on players (DREWES: pp.63-64)^{xvii}.

In Europe, despite the fact that there's no legal obstacle to conclude collective bargaining agreements, they are, in fact, rare. For example, in Germany, some claim has one of the most sophisticated industrial relations system, there is not a collective bargaining agreement in professional sports (CLOSE: p.15). Hence, industrial disputes are rare in European football. In 2001, the PFA and the Football Association came close to a work stoppage in a dispute over the allocation of broadcasting revenues (HARDING: pp.17-19). In 2004, in Denmark, its football players' association threatened strike action, but pulled back the day before the dispute was scheduled to occur.^{xviii}

Membership of national or international organizations. Player associations in North America have been reluctant to join national or international union organizations. Only the NFLPA has become a member of AFL-CIO, a general trade union or confederation which represents unions as a whole in the United States of America.^{xix} North American player associations have confined their activities to enhancing the welfare of their own members, rather than perceiving them selves as part of the broader union movement or acting on behalf of workers more generally.

In Europe, the situation is different. Almost every player association in Europe is a member of a national trade union federation. For example, the Danish Footballers' Union is a member of Denmark Trade Unions Confederation (LO). The English PFA is the member of Trade Unions Congress (TUC), and the Italian Footballers' Association is a member of Italian Sports Unions Confederation (CIDS) (AYDIN: pp.52-54).

Player associations have also created organizations of their own to pursue collective interests. As already mentioned above, in 1965 football player associations formed FIFPro. Especially in the context of recent developments in European football, FIFPro has played an important role in enhancing the rights of players in negotiations with the governing authorities of world and European football and the European Commission (DABSCHECK, 2004: pp.85-86; SIEKMAN-SOEK: pp.652-654).^{xx}

The general public. Because of the high profile of players and their assumption of their assumption as role models, player associations can utilise their image in support of 'good' causes. For example, football player associations in England, Norway Denmark are prominent in anti-doping campaigns and virtually all football associations have been active in Show Racism the Red Card Campaigns.^{xxi}

In North America, player associations have been active in more discrete activities. For example, the MLBPA established the first ever charitable trust in professional sport: the Major League Baseball Players Trust-Charitable Fund. The Fund organizes campaigns for "Buses for Baseball, Volunteers of America, and Medicines for Humanity". The NHLPA organizes the Hockey Fights Cancer Campaign while the NBPA the Feed The Children and Annual Holiday Food Giveaway Campaign.^{xxii}

ORGANIZATIONAL STRUCTURES OF PLAYER ASSOCIATIONS

In general, organizational structures of player associations are similar in North America and in Europe. Each club provides player representatives/delegates who are elected by the members in the respective clubs. Such representatives serve two major functions. First, they provide a means of communication between members and the association. Second, they participate in the decision making processes of the association. They appoint the Management Committees and the Chief Executive Officers of the respective associations. They, in turn, manage the union according to the Rules of the Union and the decisions taken by the Board of Representatives.^{xxiii}

PROBLEMS EXPERIENCED BY PLAYER ASSOCIATIONS

Public pressure. The high media profile of players, or members, has a spill over effect for player associations. The actions and stances of player associations are widely reported in the popular media, especially in the sports sections of both the print and electronic media. This public scrutiny constitutes a problem for player associations when they decide to embark on campaigns to improve the lot of members. In initiating any campaign, player associations have to devote resources and time to playing the media campaign, on top of that which would be devoted to their interactions with leagues and clubs (STAUDOHAR: pp.7-8).

Membership composition. This has already been referred to above. Because player associations have members with substantial variance in their possession of skill, they need to be devise programs and policies which take account of such differences to ensure their cohesion and viability in their dealings with clubs and leagues. Also, because top level professional sport is a young person's pursuit, player associations experience a high level of membership turnover, compared to traditional unions. This means that player associations need to continuously devote resources to educating new members on the role that they can play in advancing the needs and status of members (MITTEN-DAVIS-SMITH-BERRY, p.402).

A lack of collective consciousness. While most professional sport comprises team games, players often have a narrow focus and perceive issues in terms of their own individual needs. By definition this poses difficulties for player associations wishing to foster a collective consciousness of members. Resources and time need to be devoted to developing a sense of solidarity amongst members (STAUDOHAR: p.3).

Player agents. Player agents, like player associations, act to protect the rights and the benefits of players. Agents pursue the needs of the individual players that they represent, while player associations pursue the collective needs of players. While it might be easy to say this, difficulties and confusion can occur over the boundaries of these two separate, but related, functions. In recent times, in both North America and Europe this has become less of a problem. Player associations have developed schemes to license, monitor and improve the professionalism of player agents in representing members. For example, player associations resolve conflicts between players and agents under such schemes (FEHR: p.86-87; MITTEN-DAVIS-SMITH-BERRY, p.402).

Multi-faceted interactions. Player associations, despite the small size of their memberships, have a more complicated terrain to negotiate than traditional unions. Industrial relations is normally seen as involving interactions between two parties; employees and employers. Player associations have relations with league managements, league commissioners, clubs, federations, international organizations and need to be ever conscious of being subjected to relentless media surveillance (BERRY-GOULD-STAUDOHAR: pp.4-12; MITTEN-DAVIS-SMITH-BERRY, pp. 66-70).

PROFESSIONAL SPORTS AND PLAYER ASSOCIATIONS IN TURKEY

A Brief History

Turkey's first and the last players' association was the Professional Footballers Union (Futbol-İş Sendikası-FS). It was founded in 1965. The Union had a relative short and turbulent history. During its 19 years of existence, the association only had 13 general meetings and it changed its name several times. In 1976, the association's membership reached its peak of approximately 440 members. At its last general meeting in 1979, it had 290 members. After the coup d'état by the army in 1980; the activities of FS, like all other unions in Turkey, were suspended. The players' association was told to make some changes to its constitution. The association was ineffective, lost members and the climate of the period was pessimistic. The association did not possess leaders able to cope with this oppressive environment, changes were not made to its constitution to comply with government demands and FS was shut down (Turkish: p.432).

After this episode, no serious attempt has been taken to establish a players' association for footballers in Turkey. There is an organisation called the Professional Footballers' Association, which is basically a forum used by ex-players to get together and reminisce about former times. It does not have many members and no influence or power. It is not a trade union per the requirements of Turkey's Trade Unions Act.

Legal Background

Professional sportsmen as workers are excluded from the Labour Act Nr.4857 because their employment is viewed as being atypical work. However, despite this, sport as a branch of activity is included by the Act. That means, professional sportsmen are excluded from the Act Nr. 4857; but a person working in professional sports sector is included by the Act. In Turkey, employment relations are regulated by two acts. One is the Labour Act Nr. 4857, which is a protective one and provides lots of rights to the employees. Second is the Act of Obligations Nr. 818 which has a liberal nature and which is less protective.

The exclusion of sportsmen from the Labour Act is not a major problem for trade union rights. According to the Act of Obligations, a person who works for a contract of service is an employee; and professional sportsmen are employed under such contracts. It follows then that professional sportsmen are employees who are excluded from the Labour Act, but included under the Act of Obligations. Another indicator of their employment status is provided by the Social Insurances and General Health Insurance Act Nr.5510 which defines professional sportsmen as employees and are insured under the Act (Art Nr.4).

According to the Trade Unions Act Nr.2821; an employee (no matter if they are included by or excluded from The Labour Act) may join or even establish a trade union (Art.Nr.20). So, there is no legal obstacle for sportsmen to establish or to join trade unions in Turkey.

In Turkey, legislation requires that trade unions should be established according to a branch of activities listed in the legislation (Trade Unions Act Nr.2821, Art.nr.3). There are 28 branches of activities listed in the Act. There is no specific listing for sport. Thus, an initial problem in establishing a players' association is 'finding' an appropriate activity contained in the legislation.

According to previous decisions handed down in Turkey, a players' association could be incorporated as a "branch of entertainment and accommodation places" (Nr.25). The main reason for this is obvious in that sport is part of the entertainment 'industry.' In addition, similar organizations in Europe are the members of federations or confederations of trade unions involved in entertainment (for example the PFA in England is a member of Federation of Entertainment Unions-FEU). It would follow, then, that a players' association, would be similarly regarded in Turkey.

The next issue is whether the membership can be limited to a specific group such as footballers. According to established doctrine determined in this area in Turkey such a course would be illegal (ÇELİK: p. 349 ; EKONOMİ, pp.35-36) So the players' association must be open to everyone in the professional sports industry, they may join or not.

Economic Activities Of Unions

Traditionally, the major income of trade unions is membership fees. According to the Trade Unions Act, the monthly fee for a trade union should not exceed the daily wage of the employee (Art Nr.23). As player associations have potentially small memberships (for example one of the strongest union in sports, The PFA, which has about 100% of union density, has approximately 4000 members), the level of membership fees will make it difficult for it to have the financial strength necessary for it to operate as an effective organisation. Act Nr. 2821, however, allows unions to obtain funds from other sources. These include donations, income from properties owned and from activities organized by unions themselves (Art Nr.33).

The income from such activities will be necessary if a players' association is to survive. This section of the legislation holds out the prospect for a players' association to obtain income from TV or internet broadcasting rights. Reference was made above to a dispute which occurred in English football over the distribution of broadcasting rights. Following the resolution of this dispute, the PFA receives approximately £15 million which it mainly devotes to a wide range of services which it provides for members.

Legislation in Turkey enables unions to provide many services for members, as is the case with other nations. These include the creation of benevolent and accident funds, benefit schemes, retirement income schemes or educational funds. A players' association would also be enabled to organize courses for members and ex-members. In conclusion, legislation in Turkey enables and does not discourage the formation of a players' association, as has or similar to that which has occurred in other countries (AYDIN: pp.113-115).

Collective Agreements and Strikes

According to the Collective Agreements, Strikes and Lockouts Act (Act Nr.2822); a union must have 10% of membership in the branch of a designated activity in the national level and a majority in the workplace in order to sign a collective agreement. As the field of entertainment is so wide; it would not be realistic for a players' association to achieve such numbers. So, despite the fact that there is not a legal problem in making an agreement, it would be very difficult for a union to conclude a collective bargaining agreement. The same reasons are likely to occur on the field of strikes. Law allows the unions to go on a strike after conflict at the bargaining stage. As the union can't reach the collective bargaining process, it can not go on a strike either.

Instead of a collective bargaining agreement, a *general agreement* according to the Act of Obligations can be concluded (Art Nr.316) by a players' association, clubs and the federations. By this agreement, the basic rules for the player wages, transfers, sportsman rights and other things related to business of professional sports can be concluded. The Act of Obligations doesn't require such percentages of memberships for the unions. The *general agreement* may have a weak effect, but it might be a useful way to begin a new era of industrial relations in Turkish professional sport.

CONCLUSION

Player associations are trade unions of a very unique kind. They are small but invariably enrol a high percentage of potential members; they have memberships with a wide distribution of skills and different needs. They have internal activities directed to their

members and external activities directed mainly to clubs and leagues. They are organisations that operate under the constant gaze of the media.

It can be asserted that, in the near future an association of footballers could be established in Turkey. There is no major legal problem blocking the creation of such a body. If and when such an association is established, it will perform functions and act in ways similar to those of player associations in other parts of the globe. Given the requirements of the Turkish legal system it may not be able to conclude a collective bargaining agreement *per se*, but nonetheless will be able to enter into a general agreement under the Obligations Act. In this way a new venture in sports industrial relations will commence in Turkey. In the process it may even help to enhance the broader role of trade unions within Turkey more generally.

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NOTES

ⁱ <http://www.mlbplayers.mlb.com>

ⁱⁱ <http://www.nflplayers.com>

ⁱⁱⁱ <http://www.nhlpa.com>

^{iv} <http://www.nbpa.com>

^v <http://www.givemefootball.com>

^{vi} <http://www.fifpronet.com>

^{vii} <http://www.aflpa.com.au>

^{viii} <http://www.givemefootball.com> and <http://www.nbpa.com>

^{ix} <http://www.niso.no>

^x “**Billionaires-Versus Millionaires: Labor Dispute in NBA**”, *Economist*, 12 November 1998.

^{xi} <http://www.givemefootball.com/history>

^{xii} <http://www.spielergewerkshaft.de>

^{xiii} For UNFP look <http://www.unfp.org>; and for AIC look <http://www.assocalciatone.it/aic/aic.asf>

^{xiv} http://www.nbpa.com/about_nbpa.php

^{xv} For an example see the collective bargaining agreement of NBA on <http://www.nbpa.com/cba.php>;

^{xvi} CBS Archives, “**Playing Hardball: Sports Labor Disputes**”, <http://www.archives.cbs.c.a/300i.asp?id=1-41-1430> (March 22, 2006); <http://www.nbpa.com/history.php>

^{xvii} CBS Archives, pp.7-9.

^{xviii} “**Footballers Go On Strike**”, European Industrial Relations Observatory Online, <http://www.eiro.eurofound.eu.int/print/2004/08/feature/dk/0408102f.html> (March 10, 2006);

“**Footballers Union Joins LO**”, <http://www.eiro.eurofound.eu.int/print/2004/07/inbrief/dk0407/02n.html> (March 23, 2006)

^{xix} <http://www.aflcio.org/about.us/unions>

^{xx} See <http://www.fifpro.org>

^{xxi} See <http://www.givemefootball.com>; <http://www.niso.no>; <http://www.spillerforeningen.dk>

^{xxii} For the details of the campaign see the webpages: <http://www.mlbplayers.com/charity.php>; <http://www.nbpa.com>; <http://www.nhlpa.com>

^{xxiii} For the organizational structures of different unions please check the webpages of the unions.

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