



# AUSTRALIAN ATHLETES' ALLIANCE

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POLICY  
PLATFORM

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# INTRODUCTION

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Australia's athletes are the public face of Australian sport.

**T**hey carry the nation's hopes and expectations, both on and off the field. Their performances are often viewed as the nation's wellbeing barometer. Australians love nothing more than to boast in the successes of our athletes, but they are just as quick to criticise.

Our athletes understand and accept this. Our athletes know it is a privilege to represent their club, their country and their fans. But it is no accident that our athletes are in such a position. They are not simply gifted or blessed with talent. Talent alone will not see them succeed. Our athletes work hard, they make endless sacrifices - social, dietary, educational - and they are focused on getting the best out of themselves and their teammates. And they do all of this for what is in most cases a short term career. And when it is over, they are often forgotten, without an education and without financial security.

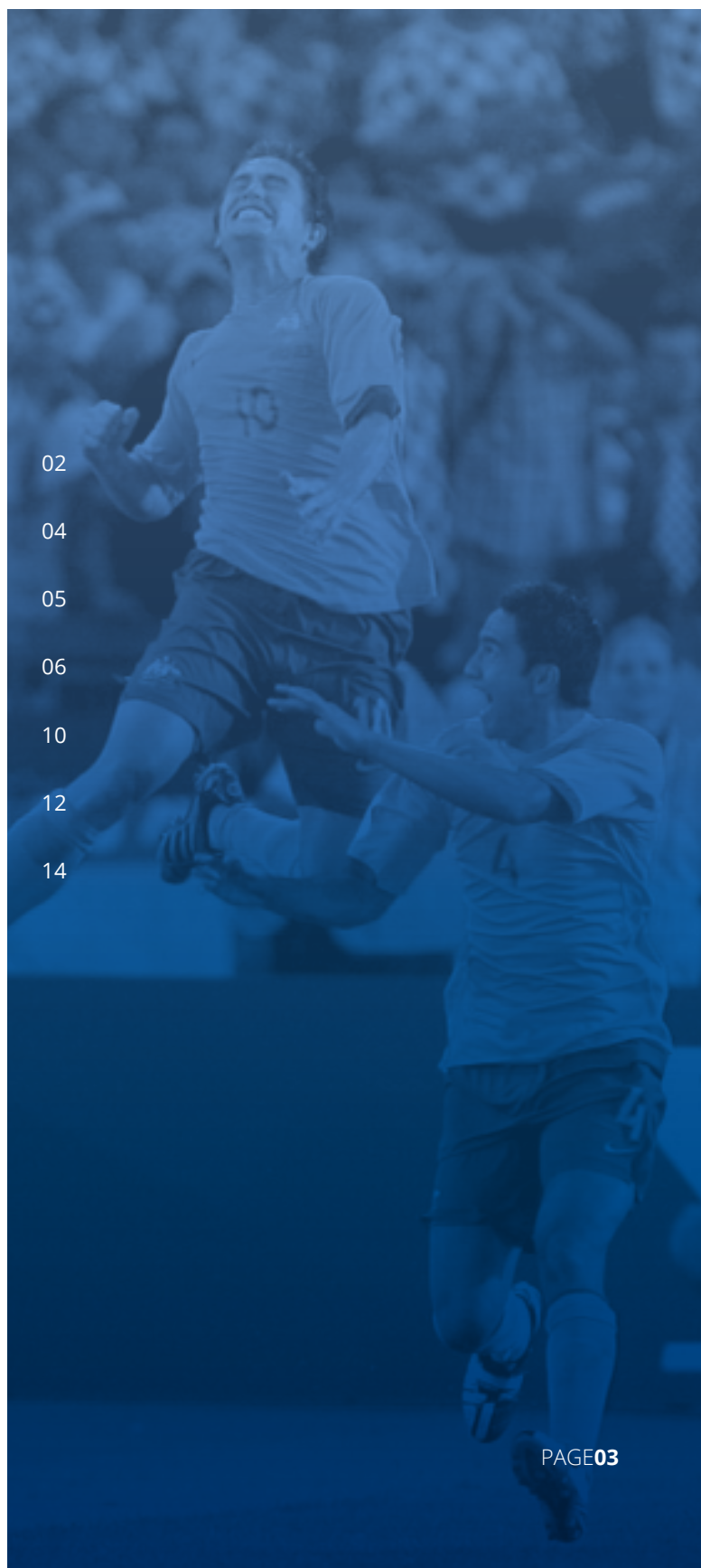
The AAA has developed a policy platform, underpinned by a Charter of Athletes' Rights. This policy platform comprises four foundation policies, in the important areas of:

- 1. Good Governance**
- 2. Integrity**
- 3. Athlete Development and Wellbeing**
- 4. Health and Safety.**

These policies have been developed to guide, assist and educate sports' governing bodies, Governments, media and the general public of the athletes' position in respect of these important areas. The policies will also inform collective negotiations between the sports and athlete representatives.

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# CHARTER OF ATHLETES' RIGHTS

Athletes have the same inherent rights as everyone. The careers of athletes warrant protection, for they are all consuming, short term, precarious and only available to the young. Once over, athletes must forge new lives. In Australian sport today, the unique nature of athletic careers is used to justify restraints, limitations and penalties which are not imposed on any other citizen even though they are often not evidence based, are ineffective and even counter-productive. For a fair balance to be restored, all Australian sports must adopt this Charter of Athletes' Rights.

## EVERY ATHLETE:

1. **HAS THE RIGHT** to access and pursue sport as a career based solely on merit
2. **HAS THE RIGHT** to a sporting environment that is well governed, preserves the integrity of sport and is free from corruption and cheating
3. **HAS THE RIGHT** to the free choice of employment and to move freely in pursuit of that employment
4. **HAS THE RIGHT** to just and favourable conditions of work, including a minimum wage, fair hours of work, rest, leisure, workplace representation and the protection of a secure contract
5. **MUST** be provided with a safe workplace, which protects the athlete's physical and mental health and his or her social wellbeing. An athlete must be treated and supported when injured
6. **IS ENTITLED** to have any dispute resolved through impartial and expeditious arbitration in which the athlete has an equal say in the appointment of the arbitrator. He or she shall not be the subject of any penalty which is disproportionate or without just cause
7. **HAS THE RIGHT** to an education and to pursue life beyond sport supported by the resources of the sport
8. **IS ENTITLED** to have his or her name, image and performance protected. An athlete's name, image and performance should only be exploited with his or her consent, voluntarily given
9. **IS ENTITLED** to equality of opportunity in the pursuit of sport, free of any discrimination or harassment. An athlete's right to pursue sport cannot be limited because of his or her race, age, sexuality, gender, religion, political belief, responsibilities as a carer or any other universally recognised attribute
10. **HAS THE RIGHT** to freedom of opinion and expression
11. **HAS THE RIGHT** to privacy
12. **IS ENTITLED**, if a minor, to have his or her rights as a child safeguarded
13. **HAS THE RIGHT** to share fairly in the economic activity of his or her sport
14. **HAS THE RIGHT** to organise and collectively bargain
15. **HAS A DUTY** to advance and promote the interests of his or her sport and community. An athlete shall only be subject to such limitations as are necessary to ensure that everyone can enjoy sport and that the health of sport and its social and cultural role in society is preserved.



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# THE AAA STANDS FOR

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## **GOOD GOVERNANCE**

Well governed sports and sporting organisations that make decisions which not only lead to sporting success but which are ethical, transparent, accountable and in the long term best interests of all stakeholders including the athletes.

## **INTEGRITY**

The establishment of an independent Athletes' Integrity Unit, run by the athletes through the AAA, with the purpose of engaging, educating and empowering athletes to combat the threats to the integrity of sport. The defence of sport begins with the athletes, who are part of the solution, and not the cause of the problem.

## **ATHLETE DEVELOPMENT & WELLBEING**

All athletes working in environments that promote long term personal growth and wellbeing in addition to sporting excellence. Every athlete should have the opportunity to develop skills to manage the demands of his or her sport and the transition into meaningful vocations once his or her sporting career has concluded.

## **HEALTH & SAFETY**

The protection of athletes' health and safety through safe sporting workplaces, which promote and protect the physical and mental health of athletes and their social wellbeing. Athletes must be treated, supported and compensated when injured.



# POLICY 1

## GOOD GOVERNANCE IN AUSTRALIAN SPORT

The AAA stands for well governed sports and sporting organisations that make decisions which not only lead to sporting success but which are ethical, transparent, accountable and in the long term best interests of all stakeholders including the athletes.

## POLICY GOALS

### 1. Promotion of the Essence of Sport and Protection of the Game

Athletes share a unique bond with their sport and often fall in love with the game from an early age. They understand the essence of their sport, which is what attracted them to a career as a professional athlete in the first place. Well governed sports recognise this. They understand the privileges associated with being the trustees of the game and with protecting and promoting the inherent values of the game. Well governed sports must not compromise the essence of sport by the pursuit of commercial or vested interests, as any gain is likely to be short term and damage the values, competitiveness and long term sustainability of a sport.

### 2. Expansion and Adoption of the Australian Sports Commission's Sports Governance Principles

Well governed sports, at a minimum, adopt the Australian Sports Commission's Sports Governance Principles. However, these principles need to be expanded to ensure sufficient accountability to the key stakeholders of a sport.

### 3. Ensuring Accountability and Transparency in the Administration of Sport

Well governed sports are accountable to their stakeholders, including the athletes. The stakeholders must be able to hold the governing Board to account, including having the ability to remove the Board in warranted circumstances. Importantly, the stakeholders who contribute to the economic base of a sport must be recognised.

### 4. Ensuring the 'Separation of Powers' within Sport

Well governed sports have a clear separation of powers between the Board and the General Meeting (legislature and governance), the Executive (administration) and the Judiciary (determination of disputes). They have a clearly defined alternative dispute resolution policy which includes giving athletes the right to an independent and accessible disciplinary and grievance tribunal in which athletes have an equal say with management in the composition of the grievance tribunal.

### 5. The Recognition of and Involvement of the Athletes

Well governed sports uphold the basic rights of the athletes and embrace partnerships with them through their professional associations and collective bargaining agreements. The professional associations of athletes must be independent, well resourced, democratic and accountable to the athletes. Any other structure of athlete representation undermines the good governance of sport.

# POLICY ACTIONS

## 1. A Policy to Culturally Instill the 'Essence of Sport' into all Key Decisions

The AAA is concerned that some sporting Boards in Australia are losing sight of the essence of sport. Some seem to see their mandate as being confined to revenue maximisation.

The AAA takes a holistic view. Governing bodies are ultimately responsible for ensuring that Australia's sporting organisations are successful in a sporting sense. There is a concerning trend that Australia's sporting performance is being undermined by an undue focus on short term revenue maximisation at the expense of long term sustainable development.

A balance needs to be restored. This would see strong emphasis on:

- the technical development of players
- integrity and sportsmanship
- reasonable scheduling that protects the health and safety of players
- the grass roots development of sport.

Sporting Boards are entrusted to govern their sports on behalf of their stakeholders including the athletes and the fans. They have a duty to protect the glory and history of the sport they govern. While the pursuit of profits and an attractive media rights sum are valid and important goals, these should not be at the long term expense of upholding and promoting the dignity of the sport.

Good governance is about balancing the demands of commercial interests with protecting the essence of sport. For example, short term commercial gains should not be sought if it means the scheduling of meaningless matches, often played offshore, to meet broadcasting demands. Sports have a duty to preserve the fabric of the sport and to manage the wellbeing of the athletes with sensible scheduling.

If the essence of a sport is nurtured correctly, then sustainable commercial gains will follow. If it is not, then performance, integrity and long term economic viability are all threatened.

No single action will instill the essence of sport into the decision making mindset of sport's governing bodies. However, the adoption of this policy in its entirety will go a long way towards creating the right culture within sport to ensure this is the case.

## 2. Expansion and Adoption of the Australian Sports Commission's Sports Governance Principles

All sports should adopt the Sports Governance Principles, advocated by the Australian Sports Commission. These

prescribe best practice in relation to:

1. Board composition, roles and powers
2. Board processes
3. governance systems
4. Board reporting and performance
5. stakeholder relationship and reporting
6. ethical and responsible decision making.

Further, the governance principles of the Australian Sports Commission should be expanded to incorporate the additional elements of this policy which should, in turn, be adopted by Australian sporting organisations.

## 3. Constitutionally Entrench Accountability and Transparency to the Key Stakeholders

Sporting Boards must not only be accountable to their members, they should also be accountable to the athletes.

Accountability is best achieved when the decision makers are accountable to the stakeholders that drive sporting performance and the business of the sport. It is noteworthy that the Australian Football League Commission, which is often commended for its governance model, is elected by the 18 professional clubs. This does not prevent the AFL Commission from executing a whole of game strategy or working in partnership with the players.


In most sports, the athletes do not have a role in the appointment of the Board and this is seen as preferable, as the long term interests of the athletes is generally best served by working in partnership with the governing body through collective bargaining, rather than being part of it.

However, the Board must still be accountable to the athletes. In all elite sports, the athletes generate the revenue, whether it be from the private or the public sector. They are the reason the tickets are sold and they are the leverage for all commercial partnerships. In publicly funded sports, athletes are required to make full time commitments to ensure respect and recognition is afforded the sport and, indeed, Australia as a nation. All sports must therefore commit to good faith collective bargaining with the representative bodies of athletes.

Sports governing bodies hold monopolies in their fields. In a democratic society, those monopolies should come with responsibilities and accountability to those who must submit themselves to the jurisdiction and control of these bodies if they are to pursue their chosen field.

## 4. Constitutionally Entrench the Separation of Powers

The constitution of each sporting organisation must provide that there is a clear separation of powers between the Board and the General Meeting (the trustees and law and policymakers of the game – or the legislature), the Executive,



who implement the laws and the policies and manage the business of sport, and the Judiciary (an independent body set up to determine disputes which arise out of the conduct and management of the sport including the laws of the game and the implementation of them).

To give effect to a meaningful judiciary, there must be an independent and accessible grievance and disciplinary tribunal established with jurisdiction to hear disputes and disciplinary matters involving athletes, clubs and/or the governing body. This must be provided for in the constitution and/or collective bargaining agreement. The athletes must have a 50 per cent say in the composition of the grievance and disciplinary tribunal membership.

Vitality, the jurisdiction of such bodies must include the power to strike down sporting rules where they violate the rights of athletes under Australian law. Sporting bodies are not above Australian law but due to their structure and resources, they are able to impose rules on athletes which violate their basic legal rights.

The independent grievance and disciplinary tribunals must uphold the principle of natural justice and ensure matters are heard as soon as possible. Costs are to be kept to a minimum (with the sport's governing body to bear the costs of the forum) and in general, each party is to bear its own costs. The independent judicial body, however, should be vested with the power to award costs in exceptional circumstances.

The governing body must ensure that decisions of the tribunal are enforced. Sporting sanctions should be imposed if decisions are not enforced. These are matters which must be outlined in the constitution and/or collective bargaining agreement. Sporting sanctions include fines and the deduction of premiership points.

Should sporting sanctions fail, the Australian Government may need to legislate to ensure that the rights of athletes can be preserved within sport.

The Court of Arbitration for Sport is not representative of the athletes, but rather the sports. Its jurisprudence in association football shows that it is not a fair forum in which the rights of athletes can be upheld or respected.

## **5. Formal Recognition and Involvement of the Athletes**

A governing body must, as a matter of policy, be committed to good faith collective bargaining with the representative body of the professional athletes. Good governance involves working in partnership with the athletes through well resourced, independent and democratic players' associations.



Respect for the fundamental rights of athletes is at the heart of good governance. As global examples show, a failure to pay players their contractual entitlements is a material cause of match fixing and other threats to the integrity of sport.

A collective bargaining agreement should, at a minimum, cover the following matters:

- recognition of the basic rights of athletes
- the structure for cooperation between the sport, its employers, the athletes and the athletes' association
- a standard player contract that cannot be unilaterally terminated by an athlete's employer, especially without just cause or because of injury
- an independent and accessible grievance and disciplinary body
- a balanced code of conduct
- regulations for the contracting and transfer of players that respect Australia's common law restraint of trade doctrine
- meaningful investment in player development and wellbeing programs that will contribute to an athlete's time in the sport and help him or her prepare for life after the sporting career has ended
- effective measures to protect the integrity of sport
- measures to safeguard the right of an athlete, like any worker, to a workplace that promotes his or her health and safety, which includes the athlete's physical health, mental health and social wellbeing.

## POLICY ACHIEVEMENTS

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This policy will deliver the following measures and outcomes::

### 1. The Essence of Sport

An enhanced culture of decision making within sport that will drive:

- performance
- competitiveness
- integrity
- sportsmanship
- sustainable economic growth.

### 2. Expansion and Adoption of the Australian Sports Commission's Sports Governance Principles

The adoption of the Australian Sports Commission's Sports Governance Principles by all sports.

The adoption of the additional requirements of this policy regarding:

- the essence of sport
- accountability and transparency
- separation of powers
- recognition and involvement of the athletes.

### 3. Accountability and Transparency

The good governance of a sport by its governing Board.

The sport's key stakeholders (including those that generate the revenue (e.g. the clubs and the players)) improving their on and off field performance.

### 4. Separation of Powers

Constitutional change where needed to ensure that sporting Boards cannot act as prosecution, judge and jury.

An independent and accessible grievance and disciplinary tribunal is in place under the terms of each sport's constitution and/or collective bargaining agreement.

The athletes have an equal say in the appointment of the grievance and disciplinary tribunal hearers.

The governing body has the ability to impose sporting sanctions if decisions of the tribunal are not enforced.

Removal of recourse to the Court of Arbitration for Sport.

### 5. Recognition and Involvement of Athletes

There is a well resourced players' association which is independent, democratic and accountable to the athletes.

The rights of athletes under Australian law are upheld by the sport.

A collective bargaining agreement is in place that covers, at a minimum, the matters listed above at Policy Actions (5).



## POLICY 2

### INTEGRITY

The AAA stands for the establishment of an independent Athletes' Integrity Unit, run by the AAA, with the purpose of engaging, educating and empowering athletes to combat the threats to the integrity of sport.

## POLICY GOALS

1. To establish the Athletes' Integrity Unit.
2. To ensure the voice of athletes is heard by policy makers, administrators, industry and Governments on integrity issues.
3. To remove the 'corruptibility' of athletes by improving labour conditions and career paths.

## POLICY ACTIONS

**1. To engage with the Federal Government and industry to secure funding for a minimum four year period to establish an independent Integrity Unit, run by the AAA, as the representative body of Australia's elite athletes.**

The responsibilities of the Athletes' Integrity Unit would include:

- identifying risks to the ethical health of sports, and developing effective athlete driven responses
- engaging with Australia's elite athletes, both at home and around the world. Australian cricketers and footballers are, for example, playing in locations in Asia which have an established vulnerability to match fixing. Too often athletes are not supported by their sport
- developing and providing effective education programs on the responsibilities of athletes in order to entrench an ethical culture
- empowering athletes to intelligently and ethically question their environment and the advice they are given within teams
- promoting a sporting workplace culture that places health and safety above sport's competitive instincts
- researching threats to the integrity of sport, and developing best practice models to underpin the athletes' response to those threats
- encouraging the development of athletes beyond sport
- facilitating the reporting by athletes of any threats to the integrity of sport to which they may become aware, such as an approach to fix a match. Related to this would be the development of an effective "whistle-blower" function.

- advocacy, both for members of AAA player associations, and, if feasible, for athletes that are not collectively represented and are therefore even more vulnerable. The complexity of the governing regulations and laws cannot be understated and many of the most vulnerable athletes cannot access an effective advocacy service due to the cost and complexity involved
- complementing the work of the existing institutions responsible for furthering the integrity of Australian sport.

**2. To continue to ensure that the athletes have a seat at the table when policy makers, administrators, industry and Governments develop policy on matters related to integrity.**

The AAA needs to change the dialogue around integrity from punishment, once cheating has occurred, to prevention of cheating through education and empowerment.

The AAA believes any effective policy response must include 10 key elements, as follows:

1. the players, the players' associations and the AAA are part of the solution, not the problem. The best way forward is a tripartite approach between: (i) government/the authorities and industry; (ii) the sporting bodies; and (iii) the players through the AAA and its member player associations. Athlete buy-in and ownership is simply essential
2. education, and the essential role of independent players' associations in this respect. The traditional "lecture style" seminars on the content of Codes of Conduct run by the sports need to be complemented by ethical training, individual player engagement and the development of a sense within the athlete that he or she is a person first and an athlete second. This responsibility must sit independently with the players' associations due to the unique relationship of trust the athlete has with his or her players' association. The depth of this education contrasts with current ASADA programs which see the emailed distribution of a PowerPoint presentation to sports to be delivered by team officials, often from within the strength and conditioning department
3. security measures, the protection of the athlete, and related reporting obligations
4. the athletic career path and associated labour standards, which are related to the threats to the corruptibility of the athlete. Athletes can be seen as the "property" of their club, yet their career path is short term and precarious. Legislation in relation to athletes presently focuses on their obligations in respect to

integrity or discriminates against them in respect to their rights as workers. Further, athletes must have access to independent and well resourced players' associations to ensure they can seek advice without fear and have access to professionals who can advocate on their behalf

5. effectiveness – integrity measures and the institutions that uphold them must be effective, and underpinned by the highest standards of governance. A critical view of this must be taken in respect to the proposed integrity units within sports, and the effectiveness of the anti-doping bodies
6. confidentiality, discretion and the protection of reputation
7. intelligence gathering measures and reasonable powers of investigation
8. balanced and effective enforcement
9. the negotiation and development of effective Codes of Conduct by the sports, preferably through collective bargaining
10. complementary legislation, especially where needed to address the role of the "third parties" who commence the corruption of sport but sit outside its contractual framework.

Threats to the integrity of sport are global and do not begin with the athletes. The processes of corrupting athletes are sophisticated, especially where organised crime is involved. Athletes, who mostly pursue a short term, modestly paid and precarious career, are vulnerable.

To overcome this vulnerability, in addition to education, labour conditions must be strong and a career path beyond the athletes' sporting career should be mapped out.

The athletes with the most favourable labour conditions are those with an independent and well resourced players' association. Priority must be given to achieving this.

## POLICY ACHIEVEMENTS

This policy will deliver the following measures and outcomes:

1. The establishment of the Athletes' Integrity Unit.
2. Empowered, educated and protected athletes proactively promoting and preserving the integrity of sport.



# POLICY 3

## ATHLETE DEVELOPMENT AND WELLBEING

The AAA stands for all athletes working in environments that promote long term personal growth and wellbeing in addition to sporting excellence. Every athlete should have the opportunity to develop skills to manage both the demands of his or her sport and the transition into meaningful vocations once his or her sporting career has concluded.

## POLICY GOALS

### 1. Health and Wellbeing

To enhance the athletes' personal wellbeing during and after their career through initiatives in education, mental health, support services and the skill development of those working with them.

### 2. Transition

To ensure athletes effectively transition from their sport by providing them with access to comprehensive educational programs which will improve their employment prospects.

### 3. Inclusion

To create and promote respect, courtesy and consideration of athlete diversity including through awareness programs addressing cultural, racial and religious differences and sexual preference.

### 4. Environment

To ensure that all athletes work in a safe working environment which supports and encourages their development and wellbeing, including sufficient access to qualified Player Development Managers (PDMs) who can support an athlete's personal growth and wellbeing.

### 5. Research

To actively pursue funding for research activities which seek to assess the impact elite sport has on an athlete's personal wellbeing, work-life balance, social networks, resilience and transition out of sport.

## POLICY ACTIONS

### 1. Health and Wellbeing

- Provide athletes with skills, support and services to optimise personal wellbeing during and after their sporting careers.
- Provide athletes with access to confidential counselling services away from their club/employer so that individual privacy and confidentiality can be respected.
- Provide knowledge and skill development for all stakeholders working with athletes.
- Provide knowledge and skill development for the partners of athletes where appropriate.

## **2. Education and Career Transition**

- Ensure development of athlete baseline skills, including literacy and numeracy.
- Ensure all athletes undergo training at an induction camp upon commencement of employment in their respective sports.
- Ensure all athletes are educated on the importance of work-life balance and preparing for the transition out of sport.
- Ensure all athletes understand the codes, policies and associated responsibilities set by their sport's governing bodies.
- Ensure all athletes understand the duties and responsibilities of their employers.
- Develop and implement financial awareness programs to ensure athletes leave their sports at the elite level with the capacity to make decisions underpinned by financial security.
- Ensure all athletes undergo a skills audit in order to facilitate the creation of individual Player Development Action Plans, to be monitored and evaluated annually by the athlete and the PDM.
- Provide all athletes with access to professional development training, including time management, communication skills and business etiquette, to increase their employment prospects at the end of their sporting careers.
- Ensure that all athletes have access to an industry funded retirement and transition fund that assists athletes at the end of their sporting careers and when transitioning to their post-sporting career. Such a fund should be taxed consistent with the treatment of the retirement earnings of working Australians.

## **3. Inclusion**

- Provide education for athletes and key stakeholders regarding diversity, including cultural awareness, sexual preference, racial vilification and mental health.
- Ensure that governing bodies provide an environment where all athletes have an opportunity to succeed regardless of their race, colour, religion, gender, sexual preference, orientation or identity.
- Ensure all sports have clear policies and guidelines regarding inclusion.

## **4. Environment**

- Enforce secure workplace conditions for athletes which ensure equality between productivity and work-life balance.
- Provide designated time off for all athletes to pursue their Player Development Action Plans.

- Implement minimum medical standards for all athletes in high performance environments, including access to doctors, physiotherapists, trainers, accredited sport scientists and other relevant personnel/facilities.
- Provide every athlete with access to a suitably qualified PDM dedicated to the support of his or her personal development and wellbeing.
- Develop and implement minimum standards for PDMs across all sports.
- Ensure that each individual sport hosts an annual conference supporting the development of its PDMs.
- Stage a national conference to be hosted by the AAA biennially to support the development of PDMs across all sports.

## **5. Research**

- Ensure that all implemented programs and policies are underpinned by research and/or a strong evidence base.
- Undertake evidence based research across all sports on the impact competing in elite sport has on personal wellbeing, work-life balance, social networks and resilience.
- Conduct case studies across all sports, researching how athletes have adjusted to their transition, obstacles they faced and what impact voluntary versus involuntary transition has had on the athletes' experiences.
- Source appropriate funding from private and government agencies to support research initiatives.

# **POLICY ACHIEVEMENTS**

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This policy will deliver the following measures and outcomes:

1. Every athlete will have a Player Development Action Plan.
2. Player engagement in wellbeing services and education programs will increase.
3. A national wellbeing referral network for players will be developed.
4. Research funding will be obtained.
5. A biennial conference will be facilitated by the AAA to educate sports on best practice player development and wellbeing initiatives.
6. Athletes will have access to qualified PDMs.
7. The targeted taxation of approved athletes' retirement and transition funds consistent with the taxation treatment of the retirement earnings of working Australians.

# POLICY 4

## HEALTH AND SAFETY

The AAA stands for the protection of athletes' health and safety through safe sporting workplaces, which promote and protect the physical and mental health of athletes and their social wellbeing. Athletes must be treated, supported and compensated when injured.

The AAA supports the definition of health adopted by the International Commission on Occupational Health.

*"Occupational health should aim at: the promotion and maintenance of the highest degree of physical, mental and social wellbeing of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities; and, to summarize: the adaptation of work to man and of each man to his job."*<sup>1</sup>

The unique risks associated with sport do not justify a departure from these principles.

Instead, those unique risks demand these principles be strictly adhered to if sport is to not only be a safe workplace, but to uphold its important social value.

## POLICY GOALS

1. Better injury prevention.
2. Enforceable best practice medical standards for athletes.
3. Statutory protection for athletes in the event of workplace injury.
4. Athletes' self-determination of medical matters.
5. Comprehensive medical information for athletes.
6. Registration and professional standards for all medical and para-medical club/league personnel, including sports scientists.
7. Better and early identification of mental illness in athletes.
8. Recognition of the effect of mental illness on physical health and conduct.
9. Access to confidential and quality mental health care for all athletes.
10. Acceptance by public and governing bodies of a medical rather than punitive model for addressing conduct arising from mental illness.
11. Payment of an athlete's medical costs arising from a work-related injury or condition regardless of when it manifests and/or when the treatment is required.
12. Allowing athletes a minimum 104 week period within which to recover payment and rehabilitate from an injury, regardless of at what point during a contract the athlete is injured.
13. Mandatory career ending injury insurance, giving the athlete time to prepare for post-sport employment, regardless of at what point during a contract the athlete is injured.

<sup>1</sup> This definition was adopted by International Commission on Occupational Health (ICOH). It is based on the definition of occupational health which was first defined by the Joint International Labour Organisation/World Health Organisation Committee on Occupational Health in 1950, then revised in 1995. (Source: Benjamin O. Alli, *Fundamental Principles of Occupational Health and Safety*, Second Edition, International Labour Organisation, Geneva, 2008, pages 20 and 22.)



## POLICY ACTIONS

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1. Educate athletes regarding the minimum medical standards.
2. Obtain support from medical expert(s)/medical community.
3. Advocate standards with governing bodies.
4. Advocate standards with Government.
5. Advocate competition schedules with governing bodies that promote the wellbeing of the athletes.
6. Advocate regulation of all medical and para-medical club/league personnel with government.
7. Educate stakeholders to identify mental health issues and to treat according to best practices.
8. Obtain support from mental health expert(s)/mental health community to develop access to confidential and appropriate treatment.
9. Advocate adoption of mental health programs with governing bodies.
10. Advocate for the establishment of effective compensation schemes to protect athletes when injured.

## POLICY ACHIEVEMENTS

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1. Adoption of best practice health and safety minimum standards by governing bodies in professional sports, such as the minimum standards provided in Attachment A. These should preferably be enforced through a collective bargaining agreement.
2. Adoption by governing bodies of scheduling of competitions that allow sufficient recovery time for athletes and lessen the risk of injury.
3. Monitoring and action by Government where required.
4. Registration of all medical and para-medical club/league personnel including sports scientists.
5. Adoption by governing bodies of mental health protocols that provide for early detection and treatment of athletes' mental health issues.
6. Adoption by governing bodies of a medical rather than punitive model for addressing conduct arising from mental illness.
7. Public acceptance of a medical rather than punitive model for addressing conduct arising from mental illness.
8. The revocation of all laws which exclude athletes from the protection of Workers' Compensation Legislation.
9. A National Sportscare Program that will provide minimum cover for all athletes who do not have access to superior cover under a collective bargaining agreement.

# ATTACHMENT A

## AAA HEALTH AND SAFETY POLICY MINIMUM STANDARDS

A-Physical Health

B-Mental Health

C-Social Wellbeing

D-Injury Compensation

## A-PHYSICAL HEALTH

The AAA stands for sporting workplaces that protect the physical health of athletes. The unique risks of sport require greater vigilance, and not the passing of those risks onto the athletes.

### Injury Prevention

#### 1. Training

Athletes should not participate in their sport unless their club/team includes them in a regular conditioning program designed specifically for their sport, of which rest must be an integral component.

Immediately prior to competition, clubs/teams should ensure that athletes are properly prepared for their sports through, for example, stretching, warming up and adequate hydration.

#### 2. Rules of the Sport

Rules of sports must be implemented, enforced and/or changed for the wellbeing and safety of athletes.

#### 3. Protective Clothing and Equipment

Sports must mandate, as appropriate, the wearing by athletes of correct footwear and of protective pads, protective eyewear, mouth guards, helmets, gloves and other safety equipment.

#### 4. Recovery

Injuries must be adequately rehabilitated before an athlete continues to participate.

#### 5. Venues

Clubs/teams must not compel athletes to train or play in unsafe venues, such as on poor, uneven or slippery surfaces, or on grounds without padded fixtures or safety netting, or that have tripping hazards or sharp objects.

### Minimum Medical Standards

#### 1. Medical Examinations

Prior to an athlete's first playing season with a club or competition season with a team, the club/team must perform a full medical examination on the athlete. No athlete may compete until a doctor has certified that the athlete is fit for competition.

At the end of each playing season or competition season, the club/team must perform a thorough medical examination of each athlete appropriate to the sport and to the individual player's medical and injury histories.

Upon an athlete's retirement, delisting and/or end of final contract, the club/team must complete a full medical examination and shall provide the athlete with a full report of his or her medical condition and any indications of issues that may arise in the future.

## **2. Club/Team Doctors and Consultants**

Each club/team must have a doctor certified by the Australasian College of Sports Physicians or Sports Doctors Australia as one of its doctors.

Each club/team must have consultants who are board certified in orthopaedic surgery, neurology, cardiology, nutrition, and neuropsychology.

## **3. Relationship among Athlete, Club/Team and Doctor**

Doctors and athletes are in a fiduciary relationship. Accordingly, doctors must place an athlete's interests before those of the club/team, even where the club/team pays for treatment. Doctors' duties, including the duty of patient-doctor confidentiality, are due to the athletes.

Doctors may only disclose information to a club/team that the athlete has authorised the doctor to disclose. If a club/team doctor provides information to a club/team, he or she must provide the same information to the athlete.

If an athlete who is fit to compete suffers from a condition that could be aggravated by continued performance, the doctor must advise the athlete.

## **4. Treatments/No needles**

Any treatment provided to an athlete (including supplements and drugs, but not including physiotherapy and massage) must be approved by the club/team doctor and properly recorded.

Athletes must not receive injections other than by the club/team doctor or other medically qualified practitioner.

Genetic testing is prohibited.

## **5. Club/Team Trainers**

Each trainer must hold a level 2 Sports Trainer certification from Sports Medicine Australia or a tertiary degree in sports conditioning or equivalent from an accredited university or institution.

## **6. Club/Team Physiotherapists**

Each club/team must have at least one licensed physiotherapist available immediately prior to, during, and immediately after each training session and match/competition. There should be a sufficient number of physiotherapists to provide prompt treatment to each athlete.

## **7. Match/Competition Requirements**

Each team/club must have its own doctor at a match/competition.

In every sport in which there is physical contact between athletes, each club/team must have at least one doctor qualified to diagnose concussions, such as with the SCAT 3 assessment tool, at each match/competition. This doctor must apply a graduated return to play protocol, such as set out in the Consensus Statement on Concussion in Sport at the 4th International Conference on Concussion in Sport Held in Zurich, November 2012.

At each match/competition, there must be a dedicated ambulance and first aid appropriate to the types of injuries that may occur in the relevant sport. There must be a stand-by ambulance available within five minutes of the match/competition which will attend if the dedicated ambulance is required for transport.

## **8. Medical Records**

Club/team medical staff must maintain accurate records of all illnesses, injuries, physical complaints, diagnostic tests, medical advice provided and treatments. These records shall be available for review and copying by the athlete.

Club/team medical staff must provide all assistance necessary in connection with athletes' insurance claims.

Club/team medical staff must keep records in a secure and confidential manner and comply with all relevant laws and regulations regarding confidentiality of medical records.

## **9. Second Medical Opinion**

An athlete has the right to a second medical opinion by a doctor of his or her choosing.

If there is a difference between the opinion obtained by the athlete and that of the club/team doctor, the second opinion will prevail unless unreasonable.

## **10. Surgeon of Choice**

Any athlete who requires surgery has the right to select the surgeon who will perform the surgery.

The club/team may require the athlete to consult the club/team doctor and give due consideration to the club/team doctor's recommendations.

If the club/team would be required to pay for the surgery if performed by the club/team surgeon, then the club/team will pay for the surgery even if performed by a surgeon selected by the athlete.

## **11. Minimum Medical Standards**

The medical standards prescribed are minimums only. A governing body is free to require greater athlete protection by its clubs/teams.





## B-MENTAL HEALTH

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The AAA stands for the protection of athletes' mental health.

An athletes' age and the level of stress inherent in sporting contests increases the risk of mental illness. Moreover, mental health and physical health have substantial connections; physical issues, such as injury, may affect mental health, while mental health issues, such as depression, may increase the likelihood of physical injury.

Addressing any underlying mental illness of an athlete must also take priority should a sport be contemplating disciplinary action against that athlete.

## C-SOCIAL WELLBEING

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The International Labour Organisation and the World Health Organisation agree that social wellbeing is a core occupational health and safety issue. The AAA stands for this approach within Australian sport.

The AAA has a policy designed to advance the social wellbeing of elite athletes (refer III. Athlete Development and Wellbeing).

Defining social wellbeing as a health and safety issue means that sport must change its approach to an essential issue which, for too long, has been a low priority evinced by the lack of investment and resources.

As employers, sports governing bodies have a duty of care to provide a workplace that is free of any risk to an athlete's social wellbeing. That duty is breached where an employer makes demands that prejudice the social wellbeing of an athlete, such as compromising the athlete's education or professional and personal development outside sport.

# D-INJURY COMPENSATION

The AAA stands for providing treatment and support for injured athletes. Athletes should not bear the costs alone; stakeholders who accept the benefits from sport should contribute to the costs. Juristictions should immediately revoke any law which excludes athletes from the protection of Workers Compensation Legislation.

## Proposal for a National Sportscare Program

The AAA proposes a program for athletes which includes the following:

1. oversight by an independent Chairperson and Deputy Chairperson, two employer representatives, such as nominees of the Coalition of Major Professional and Participation Sports (COMPPS) and two employee representatives nominated by the AAA
2. the requirement that employers provide coverage for any athlete who is not otherwise adequately covered by Workers Compensation
3. the ability of employers to provide voluntary coverage for any athlete who is not otherwise adequately covered by Workers Compensation in his or her state, but does not qualify for mandatory coverage
4. commencement of benefits the earlier of 4 weeks after a work-related injury or the end of the athlete's contract. Benefits to be paid to the employer while the athlete is under contract and to the athlete thereafter

## 5. benefits of:

- (a) payment of all medical costs not covered by Medicare that arise from the injury regardless of whether the athlete continues to be an employee and/or when the athlete ceased to be an employee of the employer
  - (b) payment of an athlete's contract salary, match fees, bonuses, additional services contracts and the like for a minimum of 104 weeks from the date of the injury so long as the injury prevents the athlete from returning to employment in the league or competition in which he or she was employed when he or she suffered the injury. The athlete must be taking steps to recover and rehabilitate from the injury—benefits are offset against income from employment that the athlete would not have earned if he or she had not been injured
  - (c) for career-ending injuries, a lump sum payment based on the athlete's age and salary to enable the athlete to meaningfully deal with the injury and transition into his or her post sporting career
6. no exclusion for pre-existing injuries
  7. the ability of employers to top-up coverage so that an athlete may receive his/her full salary after the expiration of his/her playing contract
  8. death and disability insurance for catastrophic injuries (such as total or permanent disabilities) or death.





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