

# **COMMONWEALTH LAWYERS CONFERENCE**

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## **Common Challenges in uncommon times**

# **SPORTS LAW POST COVID-19**

**The responsibility of Lawyers to Athletes, Organizers,  
Sponsors and Governments**

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# IMPACT OF COVID-19



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- Complete halt on the functioning of entire sporting ecosystem
- Cancellation & constant rescheduling of Major Sporting Events
- Financial Impact

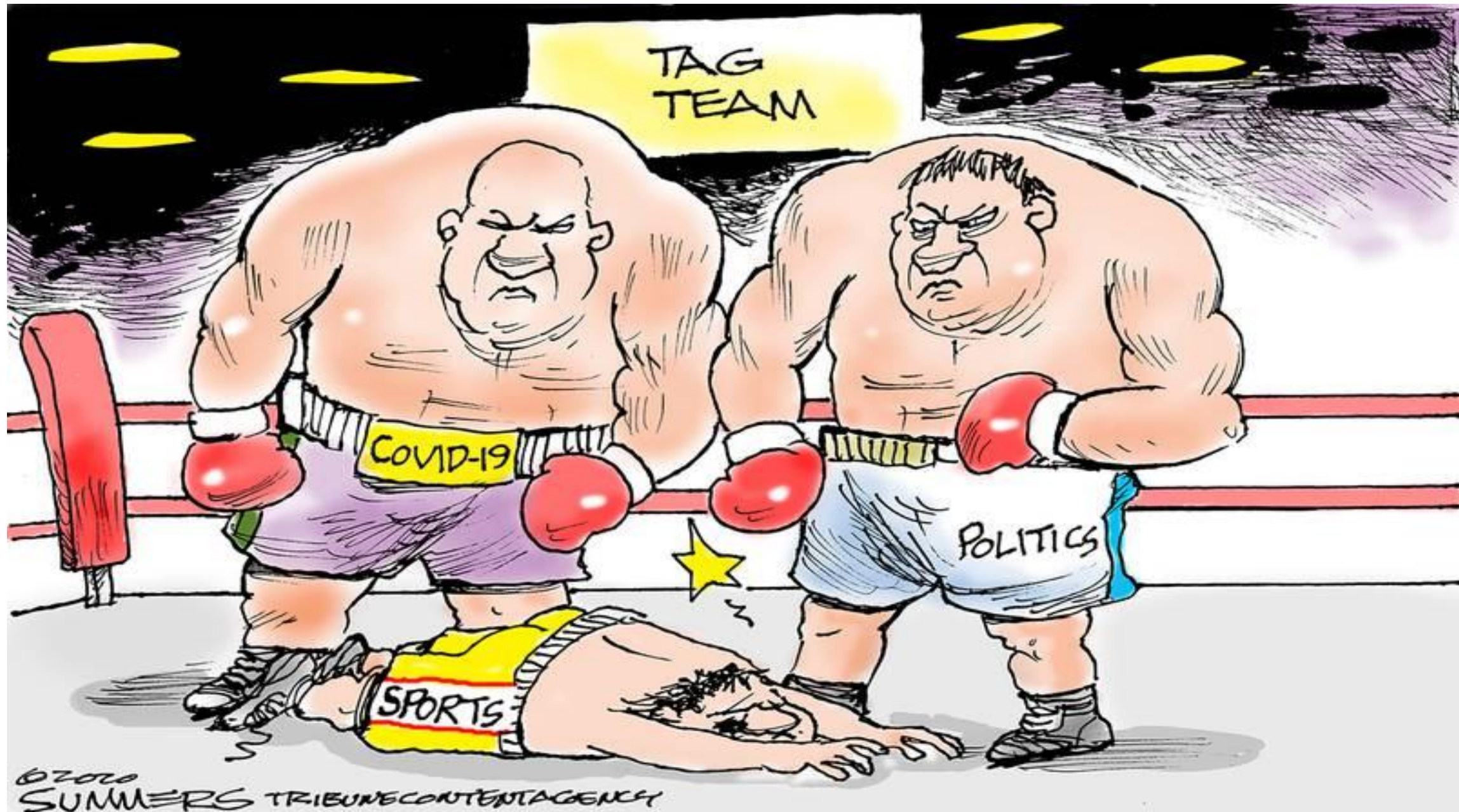


**How Sports World faced  
the problem differently?**

# How Sports World faced the problem differently?

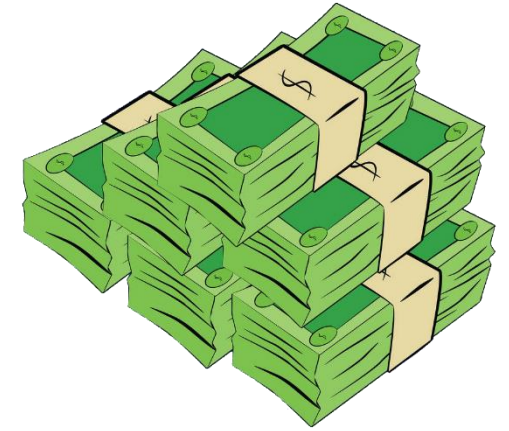
- The entire world shifted to working from home, the athletes could not.
- It took a serious blow to the career and financial prospects.
- The training schedules went completely haywire.
- In countries like India where Athletes undertake training in government facilitated sporting institutions & use the Sporting Infrastructure developed by Sports Authority of India or their National/State/District federations, the athletes had to stop completely from training as the facilities had been shut down.
- Athletes trained at home with bare minimum and without proper guidance which led to severe mental distress not only to athletes but coaches and support staff also.





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# FINANCIAL IMPACT



- Athletes who suffered from Financial loans, for instance in Cricket & Football/ Soccer, the Finances of the clubs and Franchises of the Players were sincerely impacted.
- Clubs could not pay wages and contracts had to be renegotiated with reduced salaries or in many cases the contracts got terminated.



# HEALTH & SPORTS



# IMPACT ON HEALTH OF ATHLETES

- Athletes suffered from health related issues, related to Covid-19.
- Prolonged Fatigue, Body Pain impacted their ability to train and play at the highest level. Mental health and well being, Physical Fitness is totally essential to perform at the Highest Level.
- Many top level athletes had to drop out. Some prominent names are:



**Tanysha Dissanayake** (UK) British Tennis Player shocked the tennis world by announcing her retirement from Sport at the age 21 citing Long Covid as the reason, she had contracted Covid last July.

**Avery Bradley** (USA) Laker's guard who left the Sport for 2 years. Primary reason being the health of his 6 year old son Liam, who had developed a respiratory condition that makes him high risk if he was to contract Covid-19.



**Tobin Heath** (Portland Thorn's Forward) the NWSL Player has opted out of the NWSL Tournament because of her health concerns and uncertainty and risks created by Covid-19.





**De Andre Jordan** (Brooklyn Nets Center) tested positive for Covid and decided to sit out for the season due to his asthmatic condition.



**Mike Leake** (Arizona Diamondback's Pitcher) After consideration, due to the Global Pandemic he was also one of the Players who opted out of playing in 2020.



**Nick Markakis** (Atlanta Brave, Outfielders) Post having a conversation with Braves first baseman who tested positive for Covid, he decided to opt out from playing the season.



**Kristi Toliver** (Sparks Guard) She decided not to compete, given many unknowns of Covid -19 and risking her physical health either short term or long term. She opted out and left the sport for a year.





**"WE'LL TAKE ANOTHER COMMERCIAL BREAK,  
WHILE THE BALL IS DISINFECTED AGAIN..!"**

**What is significant after activities resumed?**

- The first most significant challenge which the athletes had to face was to acclimatize themselves to Covid-19 Protocols, such as multiple periods of quarantine, frequent RTPCR tests, staying in bio-bubbles for tournaments (such as Indian Premier League).
- All of the above contributed to mental fatigue in the middle of rigorous schedules.

Instances:-

- \* Chris Gayle left the IPL due to Bio-Bubble fatigue and several other followed.
- \* The Australian Cricketer Josh Hazlewood opted out of playing in the IPL due to Bio Bubble Fatigue and mental stress.
- \* Tennis Player Novak Djokovic was embroiled in a legal battle as consequence of his unvaccinated status which led to no participation in key tournaments including Australian Open Grand Slam.

<https://thesportsrush.com/cricket-news-bio-bubble-fatigue-meaning-chris-gayle-leaves-Punjab-kings-bio-bubble-to-pay-no-further-role-in-ipl-2021/>

The Pandemic further disrupted functioning of National and International Leagues.

- The Leagues when pandemic struck had to be either rescheduled or called off for an indefinite period which led to an unforeseen/uncertainty for players, teams, leagues, owners and fans all over the globe.
- Broadcasting, ticketing and match day revenues all revenue generating platforms suffered tremendously.

E.g.: German Football League had to renegotiate its contracts with broadcasting platform of Sky Sports keeping in mind the fact the rescheduling of the league.

- Several Clubs and Franchises across the globe were forced to lay off employees as a result of the impact of Covid-19. Non-playing staff of the league teams had to face the brunt of this, as clubs attempted to cut down on costs as a result of their revenue stream disrupted.

- Policy makers had another task on either hands which they had never dealt with before, they had to update the existing rules of Sports to deal with concerns which might arise as a result of Pandemic.
  - One such exchange was when International Football Association Board (IFAB) mandated that in the event a player was found to be faking or deliberately coughing , he should be penalized with a Red Card, subject to the discretion of the Referee.
  - International Cricket Council also mandated its playing conditions/ regulations to ban use of Saliva by Players to shine the Cricket Ball, however the players were permitted to use sweat to shine the ball.
  - A number of federation also faced major logistical and practical issues while enforcing the strict but much needed safety regulations and changed rules during the competitions.



- The Anti-Doping regime was also disrupted during the Pandemic along with its mechanisms as it led to breakdown of its testing regime due to logistical issues. Pandemic severely impacted the Competition Testing mechanism as formulated by the World Anti- Doping Agency.
- Testing Laboratories had stopped functioning effectively due to lockdown.
- There were concerns of the safety of the Covid-19 vaccines and their adverse impacts on athletes and the doping concerns which might arise subsequently.

<https://indianexpress.com/article/sports/covid-vaccines-wont-lead-to-athletes-failing-dope-tests-safe-to-use-wada-7204344/>

- World Anti Doping Agency (WADA) issued several clarifications in this regard.
- During Winter Olympics held in Beijing in 2022, athletes had to undergo several doping tests in addition to adhering to Covid-19 Protocols especially during doping tests as they fear exposure to the Virus.
- <https://apnews.com/article/winter-Olympics-coronavirus-pandemic-sports-health-Europe-9824eafd8c76963c91139263eb431258>

All this added to Psychological Uncertainty of Athletes and added to their mental stress.



**Disputes which arose during  
Pandemic in Sporting Arena?**

- Pandemic paved the way to several disputes in the sporting arena.
- Majority of these disputes circled arrowed contracts and contractual obligations of the parties.
- Pandemic had disrupted the functioning of the terms of the contracts and contractual obligations of the parties.
- Pandemic had disrupted the functioning of the terms of the contracts and a majority of the contracts did not envisage such an event during their inception.
- Several disputes were witnessed between players, clubs, leagues and broadcasting net works as well as other stake holders connected with Sports Industry.
- Disputes related to illegal termination of Contracts, non-payments of dues, Players refusing cut in their dues unilaterally.
- Resolving disputes through Courts in India was an uphill task therefore CESR was founded to resolve Sports disputes through Arbitration.

- One such classic case arose in a Swiss Football Club, Sion FC who terminated the contracts of nine players including Alex Song, who approached FIFA claiming “Unfair Dismissal” by Sion FC.

<https://www.skysports.com/football/news/11095/11965405/alexsong-claims-unfair-dismissal-following-fc-sion-sacking/>

- One of the most pertinent questions that arose was with regard to “Force Majeure” Clause in the contracts which applied in normal times to Earthquakes, Floods, War amongst other situations. The question was could it be extended to Covid-19 pandemic.
- Suspensions of contracts by Clubs franchises resulted in long drawn battles.





# COVID-19 RESPONSE POLICIES

- Sports Institutions have tried to initiate several policies to tackle the impact of the Pandemic on the Sports Industry.
- Players athlete unions such as “Professional Footballers Association” (PFA), English Premier League and Major League Baseball Players Association (MLBPA) played a significant role in the discussion that led to Salary cuts and deferrals and they were in the Fore front to protect the interests of these involved.

<https://www.cbssports.com/mlb/news/mlb-wants-players-to-take-another-2020-pay-cut-heres-how-salaries-would-look-under-leagues-proposal/>

- Several policies were amended to aid individual players who suffered due to Pandemic. For Instance: The All India Football Federation introduced Covid-19 relief grants to Sports Category 1 and 2 Active Referees and Assistant Referees all of whom were adversely affected on the Financial Front by the Pandemic.

[https://www.business-standard.com/article/sports/aiff-announces-covid-19-relief-grant-for-category-1-and-2-referees-121071700280\\_1.html](https://www.business-standard.com/article/sports/aiff-announces-covid-19-relief-grant-for-category-1-and-2-referees-121071700280_1.html)

- Also, Sports Authority of India (SAI) took a decision to widen its medical insurance cover for Sports pensions and increased the number of beneficiary athletes and included coaches and support staff from 2021 in the wake of Covid-19.
- As said Government Institutions and Sporting facilities are at the core of Sports, especially in countries like India, Government Policies implementation got severely affected. National Sports Events at State and District Levels had to be Cancelled/Postponed.
- The Pandemic has left an ever lasting impact on the world of Sports and truly change dhow it has to be played, governed and organized.
- The Sports world continues on its journey to recover by adjusting to the Pandemics after-math.

# QUESTION TIME

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