

PE1319/L

Scottish Trades Union Congress

Youth Football (PE1319)

Public petitions Committee

Introduction

The STUC is Scotland's trade union centre. Its purpose is to coordinate, develop and articulate the views and policies of the trade union movement in Scotland; reflecting the aspirations of trade unionists as workers and citizens.

The STUC represents over 650,000 working people and their families throughout Scotland. It speaks for trade union members in and out of work, in the community and in the workplace.

Our representative structures are constructed to take account of the specific views of women members, young members, Black/minority ethnic members, LGBT members, and members with a disability, as well as retired and unemployed workers.

We believe that all workers have the right to work to be treated fairly at work and it is from the viewpoint of fairness that we would wish to respond.

The STUC would wish to provide answers to the following questions

What are your views on the petition and the issues discussed at the meeting on 20 April?

From the information we have we believe that children or their parents should be able to withdraw from any registration arrangement if, at any time, they feel that the club is not providing what was agreed at the outset.

For most young people registration is seen as the first step towards a career in a sport for which they clearly have shown an aptitude. However, with any career decision it sometimes becomes apparent that the original move was perhaps not in the best interest of the individual.

When this happens in the wider world of work arrangements for periods of notice are normally contained in the employment contract and in most cases provide for the same amount of notice being provided by either party in the event that they wish to terminate the contract.

While the SFA does not seem to regard registration as contracts, the fact that a 28 day opt out is in place suggests that there is some formal relationship between the parties. This relationship appears, on the face of it, to favour the club rather than the freedoms of the individual. It would also appear that football clubs understand the laws of contract in relation to those under 16 years of age as most registrations are signed by parents of the child.

It would appear unfair that all the power in this contractual relationship lies with the club who can hold on to young players who are perhaps not the best on their books, when it would be in the best interests of the player to move to another club or back into youth football. This way they can still play the game they enjoy and are not controlled and subject to restrictions where they play, or whom they play with.

The clubs justify a fee for agreeing transfer of registration to another club on the grounds that they have invested in the training and development of the player. If this argument was transferred into the wider world of work and commerce it could be argued new employers should provide compensation for the previous employer's investment in training and development during the time they spent with that company.

The STUC sees the relationship between club and player as being very similar to internships that appear to be growing in popularity in across the United Kingdom. Internships take many forms, some fair and others not so. We are aware that both can provide young people with valuable work experience and the opportunity to decide if the position or career is suitable for them. However, we have concerns that in both cases the rights of the individual might not be respected.

All interns have some rights at work, but the extent of their employment rights depends on the exact nature of their relationship with the organisation providing the internship. However the TUC reports that many interns are working for no

pay, being denied employment rights and little access to training. Furthermore employers, in the same way as the SFA argue, deny any contractual relationship with the intern. The STUC believes that there is a need to avoid possible exploitation of young people, whether that is interns or aspiring footballers.

What actions need to be taken, when, and by whom?

The STUC would suggest that in the first instance the situation in relation to the registration and the contractual obligations of the club have to be clarified. We also believe that the SFA should, at the very minimum, review the current position and introduce a fairer system that allows notice to be given by the player in the same way that clubs can.

The Government should review the current youth initiative, investigate the drop out rates and the impact the current practice has on those that do not make it. The petitioners also gave examples of continental clubs where the club works with grass roots youth football through a system of feeder clubs. This might have some advantage in promoting youth football for boys and girls with the emphasis being on youth football development in the community with clubs being able to access aspiring footballers through relationships with youth football clubs.

The situation on the contract would still have to be resolved as players should have freedom to move to the club that is best suited to them at any particular time in their development providing reasonable notice is given.

What concerns do you have about the demands and impact (the legal, moral and general as the petition states) this is having on under 16 year olds signing on with professional football clubs?

From the discussion at the Committee in April it would appear to the STUC that the volumes of such registrations is increasing and this would beg the question that clubs are registering players they might not normally, to stop competitor clubs doing so. We would be extremely concerned if this was to be the case as this could have a significant impact on youngsters when the club casts them aside.

There needs to be a thorough review by the appropriate bodies to establish why young players as young as eight are signing these

agreements that appear to be to all intents and purposes a contract between two parties and in some cases may be illegal.

The STUC does not have evidence of clubs doing this intentionally but we would hope that clubs respect the circumstances of the individual and not hold young people to clubs when the educational attainment of the young person might be suffering or other family circumstances would suggest that continuing to hold the player in not appropriate.

It would also seem extremely unfair that at the end of the contract for certain age groups the clubs can enforce an extension to the contract, perhaps holding a player who no longer wishes to be connected with that club. On the other hand the club appears to be able to tear up the contract with no notice and without having to pay any financial compensation for the efforts and commitment given by the player. This is another example of the draconian nature of these agreements that could be seen as restricting the freedoms of individuals.

This would certainly not happen in the professional game or most other workplaces where the employment contract would prevent this type of behaviour.

STUC
August 2010