

NCAA football exploits players in 'invisible labor market'

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College football exploits players in an "invisible labor market," and the only plausible way for student-athletes to address their interests is the credible threat of unionization, according to research from a University of Illinois expert in labor relations and collective bargaining in athletics.

Since traditional collective bargaining is impractical for student-athletes, an "invisible union," derived from what labor scholars call the "union substitution effect," could be a viable way to circumnavigate the amateur-professional boundary that has become increasingly blurry in the multi-billion-dollar sport, says Michael LeRoy, a professor of law and of labor and [employment relations](#) at Illinois.

"[College football](#) players participate in an invisible labor market, meaning that the NCAA monopolizes their services by strictly limiting and allocating the labor force needed to play competitive games," he said. "So without a credible threat of unionization by student-athletes, the NCAA has no reason to confront the fact that it is professionalizing college football."

Although the NCAA's contractual relationship with student-athletes provide grant-in-aid scholarships, it's also a model premised on the belief that players are amateurs – a view that's hard to square with the heavy [commercialization](#) of NCAA football, including a new championship series that will generate a new and immense revenue stream, LeRoy says.

"While schools reap billions of dollars from TV and [licensing](#)

[agreements](#), championship tournaments, bowl games and ticket sales, players rarely receive enough aid to pay in full the cost of attending school," he said. "And when TV deals coordinate NCAA and NFL schedules from August through January to minimize competition and maximize revenues, it is also hard not to conclude that Division I college [football players](#) are in the same product market as their professional counterparts."

While the NCAA recently attempted to adopt reforms that would address some of the problems identified in LeRoy's study, its board of trustees ultimately quashed any efforts to implement change.

"What that means is that players have no voice in their welfare," LeRoy said. "These Saturday heroes are solely dependent on a monopoly to enact regulations for their welfare. This is the impetus for proposing collective bargaining for college football players."

According to the study, college football players have a right to collective bargaining because they function like employees.

"Student-athletes generate great wealth for institutions but share in very little of it," LeRoy said. "Additionally, they are subject to non-negotiable, one-sided agreements imposed by a monopoly. They receive less than a four-year scholarship; pay out-of-pocket or borrow money for scholarship shortfalls; and are penalized for transferring to other schools. They also happen to play in a violent sport that causes serious injury – on rare occasions, death – but are usually disqualified from worker's compensation and are uninsured for long-term medical disabilities. And, of course, many student-athletes exhaust their eligibility without earning a degree."

LeRoy's study proposes a unique and limited form of collective bargaining customized for college football, one that does not involve

wage negotiations or strikes, but draws from existing labor laws for public safety employees that prohibit strikes but allow final offer arbitration on a limited range of bargaining subjects.

"My concept stems from the fact that NCAA football differs significantly from the NFL model because college football players are bona fide student-athletes who must adhere to the tenets of amateurism," he said.

According to the study, the mere threat of college football player unionizing would produce a "union substitution effect," whereby employers respond to credible threats of collective action by providing participants with more of a say in their interests and better financial treatment.

"The status quo is ripe for change because the NCAA is an immense monopoly that generates new revenue quickly but reforms itself slowly," he said. "An invisible union is a plausible middle-ground approach to address the interests of student-athletes. Without a credible threat of unionization, schools have little incentive to concede that they are essentially professionalizing college football."

Provided by University of Illinois at Urbana-Champaign

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