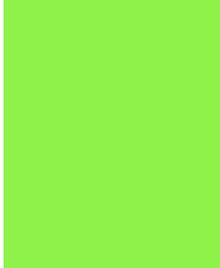




THE BENEFITS OF AN INDEPENDENT PLAYERS ASSOCIATION

Sports is the most competitive industry imaginable; the intensity of professional athletes is unparalleled. On the court, pitch, ice or field, players are pitted against each other in a zero-sum, winner-takes-all contest. Yet within this competitive world, sports also offer an opportunity for collective action. True player victories have occurred largely through independent players associations and group solidarity. Players associations have made enormous strides for professional athletes, gains that would have been impossible without working together for the collective good.

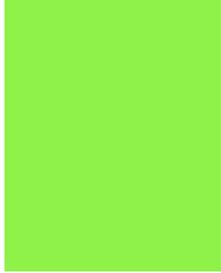


Executive Summary

Tennis players have not had a truly independent player organization that is wholly dedicated to fighting for the players' interests and rights in this multi-billion dollar industry. The absence of an independent players association dedicated to fighting on behalf of the collective interests of all professional tennis players has enabled the current reality that professional tennis players make considerably less money with fewer benefits and less control than their peers in other professional sports.



All of these issues were present in other professional sports at one time. Only through collective action by professional athletes and their players associations, which are dedicated exclusively to fighting for their interests, were gains for worker-athletes achieved.



Executive Summary

Professional athletes in baseball, basketball, football, soccer and hockey now have well-established players associations, and after decades of hard-fought battles by their PAs against the non-player institutions that are economic stakeholders in those sports, they are well-paid and have established their right to meaningful control over their work as professional athletes. The gains that have been achieved in other professional sports would not have occurred without collective action through the athletes' players associations. An individual worker – in this case a professional athlete – cannot effectively force change in an industry, even one dependent on the unique talent of individual workers. However, when the collective power of individual worker athletes is manifested through a players association, meaningful changes to hours, wages, working conditions, and more can be effectuated.

**The power of change through collective action is evident;
since the creation of player associations in other sports:**

- Overall salaries have grown exponentially and minimum salaries have been implemented;
- Insurance and pension policies have expanded to some of the best in the world;
- Out-of-pocket costs are paid for by leagues and teams, rather than by the players themselves;
- Players associations and player solidarity empower athletes with the influence they rightfully deserve in shaping the sports they imbue with values; solidarity grants them with a platform to actively participate in decisions related to the rules, regulations, and scheduling of their sport, distinct from the approach taken by player councils.



A Deep-Dive Into The Success Of Players Associations

Players associations have existed for decades, and were first created to ensure that players had a seat at the table when discussions around their livelihoods took place. Early professional athletes faced dangerous working conditions, long hours, and low pay. By uniting together, players have gained control and influence within their sports, increasing pay, ensuring safe working conditions, providing pensions, and helping design the rules, schedules, and procedures of their sports. Many players associations from across the globe are now members of the World Players Association, a group representing 85,000 athletes from over 100 different players associations [The World Players Association: About US, 2023]. From jockeys to basketball players, female and male athletes, the WPA organizes and advocates for players globally, helping ensure all players have their fundamental rights met. Without an independent structure supporting them, athletes do not necessarily have appropriate representation in their sport.

Players associations are player-created and player-governed, for the benefit of players past, present, and future. Players associations foster alliance and partnership amongst players and event organizers through collective action and bargaining at arm's length. The ideas that players associations embody show that solidarity and collaboration are possible, even in the most competitive environments, and go beyond the advisory component of a player council. While in tennis, the player advisory councils attempt to provide players with the opportunity to act on behalf of the player voice, the ability to affect meaningful change and progress amongst the tournaments and the tours is incredibly challenging.

This paper will analyze the successes of the MLBPA, NHLPA, NBPA, and NFLPA to see what these associations have gained for their players and how their benefits and negotiations are relevant to tennis and the PTPA. Additionally, the paper will review the strides both the NCAA and Esports have made when it comes to player representation.



The History of Players Associations

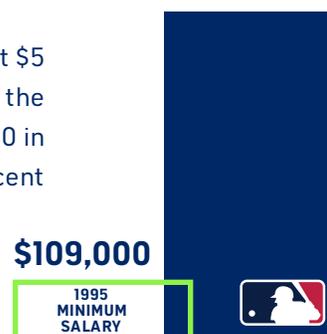


With a long history of collective action within the sport, baseball is a strong example of how beneficial a players association can be for professional athletes. While the MLBPA, the union for MLB players, is influential in the current baseball landscape, it is not the first players association within baseball. The Brotherhood of Professional Base Ball Players was founded in the 1880s by John Montgomery Ward, the inventor of the curveball and one of the most popular players in the league (Burk, 1994). Professional leagues paid players dismal wages and treated them as inputs rather than skilled craftsmen, forced to pay rent on their uniform, decreasing their already dismal pay. The owners even went so far as to hire spies to follow players' every move while on road trips. Incensed by these attacks and with negotiations stalling, Ward and the other players created a separate, player-owned cooperatively-run league. In the short-lived new league, players had higher wages, better conditions, and full say over the structure and proceedings of the league. The BPBBP, who folded soon after the demise of their league, hoped for more than increasing wages and benefits, aiming to restructure the sport and shift the control over decisions and profits to players.

Other attempts were made to organize baseball players, but these were limited and short-lived. Over the ensuing decades, as MLB's monopoly on baseball emerged, players were paid low salaries with next to no control over the structure of the league. The players had a small and essentially self-funded pension system, but had little job security or control. Discrepancies in the pension system caused the players to join together to form a players association in 1953. The MLBPA, however, instead of acting as a voice for players languished for its first fifteen years, acting as a company union. It was funded by the owners and officials were hired by the league, giving them little incentive to fight for players (Hauptert, 2017).

In 1966, the union hired Marvin Miller, a former official at the steelworkers union, to lead the organization. Under the fourteen-year leadership of Miller, termed the “the most effective union organizer since John L. Lewis” by contemporaries, the average player salary increased from barely more than \$14,000 to \$245,000, the pension program went from almost non-existent to one of the most robust in the nation, and the MLBPA and MLB agreed on the first CBA in the history of North American sports (Burk, 2015, 3). Prior to Miller and the MLBPA, players in the then-most lucrative sport in the world were forced to work second jobs during the offseason. It was only with the bargaining power of the union, increased wages, and a pension plan that workers were able to fully devote themselves to their craft.

Now, the average player salary in the MLB is up to about \$5 million and the minimum salary, after the negotiation of the 2022 CBA, has increased to \$700,000, up from \$109,000 in 1995, an inflation adjusted increase of nearly 325 percent (Major League Baseball Minimum Wage, 2023).



In another example, prior to the 1995 NBA CBA, the minimum salary was essentially the lowest salary that a particular player was making - in 1994, that was \$150,000. At the time the 1995 CBA was created, the minimum salary in the NBA was first implemented and players with no NBA experience made a minimum of \$200,000, but players with one or more years of experience all made \$225,000. From 1995 to 1998, the salary numbers increased and the same structure stayed in place until the new CBA was negotiated in 1998. Then, the minimum contract structure took the same shape as it currently has, in terms of a steady increase as years of NBA experience also increased.



As of the 2021 season, the minimum salary for a player with zero years of NBA experience was \$925,258, which is a significant increase from \$200,000 in 1995 and something the NBPA helped players negotiate through the CBA process (NBA Minimum Salaries, 2023).

Beyond the purely monetary benefits of the MLBPA, the players also gained a say in league decisions and the creation of free agency through the repeal of the reserve clause, a cause players had been fighting for since the 1880s when Ward had compared the system to one of “chattel slavery” (Ward, 1887).

The reserve clause ruled that a team retained rights to a player even after the player’s contract had ended. It prevented players from negotiating between various teams or changing their employer, placing them entirely at the whim of their employer. The monopsony power teams wielded over their players, illegal in any other industry, forced players to accept low contracts and poor working conditions (Elias & Dreier, 2022, Ch 2). As the MLBPA grew in strength so did the player pressure against the reserve clause.

Unable to remove the clause in negotiations, Miller, the union, and the players looked for other opportunities to gain a sense of freedom in contract negotiations. Famously, Curt Flood, a seven-time gold glove winner, rejected a trade to the Philadelphia Phillies and, backed by the MLBPA, sued the league. He argued that the reserve clause restricted his rights as a citizen and, by preventing him from selecting his employer, acted as a system of servitude, remarking that, “a well-paid slave is, nonetheless, a slave” (Elias & Dreier, 2022, p. 105). Flood sacrificed enormously for his brave fight against the league’s reserve clause. He received four or five death threats a day and never played in another MLB game. Flood lost his lawsuit, but his effort weakened legal support for the reserve clause and it was eventually eliminated in 1975. Years later, the repeal of MLB’s antitrust exemption, which acted as a permanent death knell to the reserve clause, was named for Curt Flood (Elias & Dreier, 2022).

In the fifty years since the first actions of the union, the MLBPA has continued to fight for its players. Despite organized efforts from owners to claw back control of baseball, the union has remained united, as the 2022 lockout and subsequent CBA reflect. Within America’s pastime, the MLBPA and BPBBP have sought better working conditions, higher pay, and more control for players.

Similar to players in MLB, before the National Hockey League Players Association (NHLPA) was formed in 1967, most players were only paid about \$10-15K per year, with no pension or healthcare plans, which is a similar situation for many other sports (Macklon, 2023). At this time, it was very common for NHL players to work summer jobs to support their families. In 1955, Tim Horton, summer construction worker and star defenseman for the Toronto Maple Leafs, broke his leg in a game (Macklon, 2023). If a player missed a game, he wasn’t paid and therefore could not support his family throughout the year. It wasn’t until 1967 when the NHLPA was formed that owners began to recognize the demands of players regarding injury pay and healthcare plans (Macklon, 2023).

In addition to injury pay and healthcare plans, PAs have also helped athletes improve mental health support by leaps and bounds. The NBPA has made mental health and wellness a continued priority to ensure balance in a player’s professional and personal lives. The NBPA Player Portal offers players a directory of vetted and licensed mental

health providers, a mental health literacy portal, a place for Q&A, and contact information to find help. The NBPA's sports medicine programming overall has ongoing initiatives related to policy development, evidence-based research, technology, educational opportunities, and public outreach, among other responsibilities that continue to help players succeed on and off the court [Mental Health and Wellness Department, 2023].

When it comes to continued support off the field, PAs have also had a very large impact on player success. For example, the average length of a player's career in the NFL is only 3.3 years. With that knowledge, the NFLPA has created a big push to all athletes to progress in their business and career endeavors off the field by creating the #AthleteAnd campaign. #AthleteAnd provides players with the opportunity to have career conversations, job shadow, utilize career advising services, and more. Through this program, athletes have the ability to plan for their future, should they need to think about their well being beyond the sport. Austin Carr, five-year NFL veteran, NFLPA #AthleteAnd player, and previous member of the New England Patriots and New Orleans Saints has stated "The NFL sucks so much attention up due to there being so much attention on you and your attention on it." Once a player hangs up his cleats, "any major city in the country is bound to be connected to an NFLPA Former Player group and connecting with those guys is very valuable while going to [networking] events" [Catching Up with Former Player Rep, 2023]. Ultimately, the idea of the #AthleteAnd campaign is to allow players to find their passion once they've stepped outside of the sport.

Additionally, THINK450, the NBPA's innovation and partnership engine, has created a number of opportunities for professional athletes to take control over their name, likeness, data, and intellectual property [THINK450 The Innovation Engine of the NBPA, 2020]. As a part of THINK450, the NBPA has started One Court, a "players' first" experience that creates opportunity for player-to-player access, interaction with different brands, and curated experiences - a true celebration of fellowship amongst NBPA players [THINK450 The Innovation Engine of the NBPA, 2020]. Additionally, THINK450 has created an opportunity for players to prioritize social justice and their passions. THINK450 has partnered with Dove Men+Care to commit to the C.A.R.E NOW initiative, which honors and celebrates the humanity of Black men while addressing issues such as public safety, safe and fair voting, community engagement and more [DOVE MEN+CARE AND NATIONAL BASKETBALL PLAYERS ASSOCIATION PARTNER ON COMMIT TO C.A.R.E NOW INITIATIVE, 2020].

As part of the collective bargaining agreement with the NBA that began in July 2017, the NBPA stopped selling its group licensing rights to the league. Player unions in the NFL, NHL and MLB have controlled their group licensing rights for several years. However, the NBA had previously managed licensing deals for the players and paid the union an annual fee to distribute licenses to its members. This initiative is just another example of how THINK450 and the NBPA continue to think of all 450 professional basketball players collectively and not just the top 50. Que Gaskins, president of THINK450, has stated “Most unions really didn’t have a lot of true brand people and marketing people, people who understood how to build brands and do marketing and one of the things I needed to do when I first got there internally was figure out how to make everyone understand the power of the brand, how to get everybody to understand the power of what creative marketing could do for a brand and how do I do it in a manner where it’s collaborative” [Casey, 2022].



Since THINK450 was formed five years ago, it has struck licensing deals with apparel companies such as Fanatics and Nike and has achieved a **31 percent** compound annual growth rate since it was formed [Casey, 2022].

Players associations in North America’s Big Four sports have made tremendous gains for their players.





Recent Organizing Efforts



ESPORTS

Witnessing the benefits of organizing collectively, the past decades have seen an uptick in the creation of new players associations. The creation of the PTPA, while significant in the history of tennis, is not alone among athlete organizing efforts. Nearly 100 players associations have been formed since 2000 and major organizational efforts in the last five years have unionized more than thousands of athletes [Dabscheck, 2018]. Minor league baseball players, esports players, and NCAA athletes have all begun processes of collective action. These groups, especially MiLB and NCAA athletes, have traditionally faced horrific and unsafe working conditions. Even as MLB and the NCAA reap billions of dollars in annual revenue, their players are given substandard housing and minimal or no compensation. As of 2019, 25 percent of NCAA ‘student-athletes’ faced food insecurity, while MiLB players were forced to sleep on the floor with up to several players and their families per room [Goldrick-Rab et al., 2020; Hayhurst, 2014]. Despite these horrible conditions, these athletes were seen as beyond the reach of collective action. NCAA athletes were prevented by law from organizing and MiLB players faced the constant threat of dismissal or a lack of promotion for speaking out [Arria, 2021; Rosenblum-Larson, 2022]. However, players in both groups have made enormous gains through collective action in recent years.

Minor league baseball players unionized, first on their own, and then as a part of the MLBPA. Pressure from the union forced the league to provide housing to the players and negotiations within the MLB’s CBA more-than-doubled player salaries and improved working conditions. Players will now be paid for all the time they spend working including the weeks they spend at spring training complexes and off-season, on-site workouts [Franco, 2023; Rosenblum-Larson, 2022].

In the NCAA, meanwhile, athlete collective organization seems imminent. NCAA athletes, who had been termed amateurs for their entire existence, are now able to profit off their name, image, and likeness and groups have already begun unionizing. A NLRB regional office decreed that athletes are employees of the university and thus legally allowed to organize as a union (Arria, 2021). Additionally, the College Football Players Association, a recently formed players association, even called for a player boycott of EA Sports' NCAA Football 2024 for its "ridiculously low" payments to players, 30-60 times less than NFL players' income for Madden (Brandt, 2023). The dramatic upsurge in campus organization for student-workers (and its widespread support among students), the chaotic and unclear nature of NIL deals, and the solidarity among former athletes suing for back pay all make clear that NCAA athletes are ready and willing to organize and act collectively despite intense union busting tactics from schools accustomed to profiting hundreds of millions off of players' unpaid labor.

And in esports, players in Counterstrike and League of Legends leagues have organized collectively (ZT, 2023). As esports began emerging as a possible career, gamers exalted at the chance to play video games for money. As the jobs became more intensive and profits for leagues and game companies rose, the excitement wore off and the realities of the job set in – a job in which employers set the terms, conditions, and pay with no input from players despite the value originating from players. League of Legends players staged a walkout/wildcat strike in May 2023 over the elimination of developmental teams, a key avenue for aspiring esports players, ultimately leading to a greater player voice over decisions and increased funds for developmental teams (Peters, 2023).

The organization of the previously un-organizable MiLB and NCAA and the ascendent esports leagues have shattered the idea that some sports and leagues/athletes are unable to organize collectively. Now is a moment of possibilities for player unions, a moment in which the PTPA plays a pivotal role, but does not stand alone.



The Current State of Tennis

All the gains that players associations have historically made are in contrast to the reality of player representation in tennis. As it relates to today's tennis world, professional tennis players are categorized as independent contractors, an inherently weaker classification than their peers in other professional sports who are employees with clear and legally- defined protections. They deserve, and are increasingly demanding, genuine representation through an established players association to make the sorts of gains other athletes have made in their sports.

The ATP and WTA have claimed to already represent players and assuage these fears, but the tours prefer to chip away at the margins rather than allowing players a more robust set of protections and control over the industry.

Even the gains that tennis players have made in recent years have been very incremental rather than transformational, more designed to sound impressive and create complacency than to deliver genuine results to players. Profit sharing mechanisms and proposed prize money increases may seem to benefit players, but the tangible financial impacts of these efforts, designed and implemented by the tours, remain to be seen.

In 2023, the ATP announced that players and tournaments will now share profits 50-50 for the Men's ATP tours (ATP Players and Tournaments to Share Profits, 2022). This agreement only shares profits with players, not revenue, as is normal in all other major sports with players associations and negotiated collective bargaining agreements. Splitting profit (revenue minus expenses) allows the tour to deduct expenses before any true "sharing" takes place. Yet, tour expenses are manipulable and without oversight and transparency, creative accounting can limit profits and payments to players. In discussing calculating profits under the Generally Accepted Accounting Principles and the Roster Depreciation Allowance, the former COO of MLB stated, "Under generally accepted accounting principles, I can turn a \$4 million profit into a \$2 million loss and I can get every national accounting firm to agree with me." (Craggs, 2011). It is worth noting that, under the ATP's One Vision, Tournaments will have to make their audited financial results accessible to players. However, the WTA does not currently have a program similar to One Vision. While professional athletes lack both the time and knowledge to critically look into audited financial statements, we believe this is a place where the PTPA can provide the necessary support players need.

Under this system, players end up paying for 50 percent of improvements and expansions made to facilities which benefit owners year-round.

The Foro Italico, the complex which hosts the Italian Open, is planning to add a roof to its center court and expand the grounds. These improvements will cost at least **\$10 million**. 100 percent of this total cost will be included as a 'tour expense', lowering tour profits and thus lowering the player portion of the split.

Through the improvements made to a single location, players lose out on an estimated minimum of \$5 million.

It seems absurd that the tennis tour is somehow responsible for these improvements despite them being justified by Foro Italico as a way to enable year-round events and open the facility to indoor sports like basketball and volleyball. The profit-sharing mechanism essentially forces players to make large scale capital investments into facilities they play in for two weeks a year, while the tour lowers payments to players and tournaments increase their year-round revenue from these improvements for years to come.

And while phantom expenses can eliminate tour profit, players are the ones who actually shoulder many of the genuine costs in professional tennis. Travel, coaching, accommodations, and food are all paid for by the players while the costs of the tours and tournaments are often unconnected to player success and well-being with the Italian Open expansion being only one of many such examples. Moreover, the Women's Tennis Association (WTA) does not even offer the same profit sharing concept to female athletes, which is another area where the PTPA, acting on behalf of both men and women, can help level the playing field in the sport of tennis. With little oversight and no bargaining power, the current system forces players into subpar deals which sound appealing but offer no true value to players.

The tours claim players are given a voice through the ATP and WTA players councils but this concession from the tours is not enough to guarantee players an independent voice or any real sense of bargaining power. The players councils are, by their own full names, "advisory" in nature. They are not independent of the tours and are a minority on the tour management boards, consistently overridden with their inputs ignored. By organizing collectively, independent of interference from the governing leagues, tennis players can gain a collective voice but, more than a voice, the opportunity to have a degree of control over the structures, policies, and financials of their sport.



The PTPA's Role within a Fractured Landscape

The PTPA seeks to fill this void and help tennis players organize to make the types of gains other players associations have made for their players. The PTPA's vision encompasses not only amplifying player influence, but also elevating transparency levels across a wide spectrum of critical areas such as health and safety protocols, schedules, regulations, financial rewards, player benefits, digital presence, and ongoing educational opportunities. The PTPA believes that professional tennis players deserve to have top-notch pensions, retirement plans, and insurance policies, which they should have the ability to access when they retire. Players must be given the opportunity to prepare for and protect themselves against changes to their career, such as an unexpected injury or early transition into retirement - representation through a players association can help players achieve these world-class benefits. The PTPA is committed to navigating between different tennis stakeholders on behalf of men's and women's tennis players in alignment with their five core principles, which include taking collective action and advocating on behalf of tennis players globally, obtaining players' fair share of the business of tennis and terms of participation, optimizing and rigorously protecting tennis players' rights, safeguarding tennis players' welfare and protecting players from abuse, and advocating for, and contributing to, the best vision and structure of tennis, globally (Professional Tennis Players Association [PTPA] | Principles, 2023).

In 2019, what began as a conversation around better representation for players in the sport of tennis, sparked a global movement to reform and grow the business of tennis through these aforementioned principles. Since 2019, the PTPA has made significant strides when it comes to aligning to these principles. Some of these strides include the creation of a PTPA Executive Committee, a diverse group of eight accomplished women's and men's professional tennis players, which includes equal representation across both the ATP and WTA tours for the first time ever (The Professional Tennis Players Association Appoints Eight Players To First-Ever Executive Committee; Unveils Principles to Protect, Respect & Guarantee Fundamental Rights, 2023). Four of the PTPA's Executive Committee members have previously served on the tour player councils and are able to help address the limitations of those councils through their work within the PTPA. These players have seen first-hand the lack of meaningful change that has taken place during their time on the player councils and have started the PTPA to affect such change. This collaborative opportunity creates leverage across legal, commercial, and public relations realms for the players and serves as a roadmap for the Association's advocacy work on behalf of all professional tennis players. Additionally, in the past year the PTPA has announced

partnerships with Universal Tennis to improve the professional tennis landscape, with Zoomph to evaluate and monetize a player's digital value, with Fanatics and Topps to monetize trading cards, and with Citi Taste of Tennis to provide new player programming and expanded hospitality.

Moving forward, the PTPA continues to strive toward its main goal to give all players a voice and revolutionize player representation in the sport of tennis. By continuously channeling the ideals stated in their core principles, the PTPA is targeting increased prize money and greater transparency over revenue sharing as some of their future goals. The fact that players do not have a players-only association to voice their concerns over issues like late-night match scheduling, court conditions, or inconsistencies around drug testing, has led the PTPA and its Executive Committee to continue to fight for more transparency. While player councils within the tours do exist, they are limited in nature due to the lack of voting rights that players receive as a part of these councils. Professional tennis players have expressed that an independent voice structured as a player's association that is solely focused on servicing the players' needs while they are training, has been missing for years [Lingeswaran, 2022].

AS OF AUGUST 2023,
THE PTPA HAS HAS ENSURED
A GLOBAL TOURNAMENT
PRESENCE AND MET WITH **500+**
PLAYERS ACROSS TOURS.

As the PTPA continues to make progress towards achieving its goals for tennis players globally, it's as important as ever to remember the history of players associations and the gains those associations have made for players in other sports through collective unity.



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