

BOOK REVIEWS

Robert C. Berry, William B. Gould and Paul D. Staudohar, *Labor Relations In Professional Sports*. Auburn House, Dover, 1986. pp.xii+289. \$U.S.35.

In September 1981 Berry and Gould published a lengthy article entitled 'A Long Deep Drive to Collective Bargaining: Of Players, Owners, Brawls and Strikes' in the *Case Western Reserve Law Review*. With the addition of Staudohar they have updated and substantially expanded this article to produce *Labor Relations in Professional Sports*. This work, together with James Dworkin's excellent *Owners versus Players: Baseball and Collective Bargaining* (Auburn House, 1981) constitute the only major studies of industrial relations in North American professional team sports. Unlike the situation in Australia and Britain, in the United States sports are heavily litigated and a voluminous case law has evolved - some idea of the extent of this can be gained from Lionel Sobel's *Professional Sports and the Law* (Law Arts, New York, 1977). The major emphasis of the authors is to present and analyse the various cases which have occurred concerning industrial relations in baseball, football (gridiron), basketball and ice-hockey. Their legal expertise is combined with a fine feeling for the economic and historical aspects of each of the sports concerned. In fact, their attention to historical nuances and some of the more idiosyncratic events which occurred in the respective sports, often presented in footnotes, make for fascinating reading.

The book is divided into nine chapters. In chapter one the reader is introduced to the major actors in sports industrial relations - the leagues, clubs, players, attorneys/agents and player associations. The second chapter, which is based on developments in baseball, but also serves as a model for the organisation and presentation of material for the next five chapters, examines the legal framework in which industrial relations in professional sports operates. The relevant areas are contract, anti-trust and labor law. The next five chapters are concerned with examining industrial relations developments in baseball, basketball, ice-hockey and football with a separate chapter devoted to the 1982 football strike.

The last two chapters are more thematic in nature examining such issues as the relevant bargaining unit, exclusivity of representation, tensions between the individual and collective interests of players, and future developments in sports industrial relations. There is the interesting suggestion that other US unions could possibly use practices developed by sports unions as a model for their future operation.

The major changes and events that have occurred in each of the sports are documented and analysed. Detailed accounts are provided of the major strikes in baseball and football, the Messersmith and McNally private arbitration in baseball which ushered in the age of free agency, the Robertson settlement and the 1984 salary cap and revenue sharing in basketball, and the high trust and co-operative relationship that has evolved in ice-hockey. In the last decade the player associations in baseball and basketball have been successful in breaking down - in basketball's case virtually eliminating - the reserve clause (whereby a player was bound to the club he signed with for the rest of his playing life) and increasing the income and other benefits available to players. Football and ice-hockey, on the other hand, still incorporate substantial compensation rights for clubs that lose players to another club, and, as a result, players are not as well off as their counterparts in baseball and basketball. Average salaries earned in the respective sports help to illustrate this point. In 1985 they were (US) \$410,000 in basketball, \$360,000 in baseball, \$163,000 in football and \$138,000 in ice-hockey. In contrast to US unions as a whole, many of whom have been forced to concede 'give-backs' to management, sports unions have made important salary and other gains for members in the last decade.

A criticism which can be made of the authors is their treatment of the 1982 football strike. They are relatively harsh on the National Football League Players Association in their handling of this dispute. They seem to have downplayed the tough, if not intransigent, stance adopted by management in the negotiations preceding the strike. It could be argued, in fact, that the owners' initial refusal to make an offer in response to the demands of the players' association constituted an unfair labor practice (in terms of US labor law) and precipitated the 57 day strike which eventually

occurred.

Berry, Gould and Staudohar have produced a most impressive work and are to be congratulated for their hard work and scholarship. They have provided an interesting and lively account of the industrial relations issues in professional team sports and have skilfully helped their readers negotiate a maze of complex legal cases. All students of sports would be well advised to acquire a copy of their book.

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