

16th edition

Pay Transparency and Equality in the European Sport Sector

EASE

European Association of Sport Employers

With the participation of our members



CONFEDERAZIONE DELLO SPORT



This EASE Talk is based on the intervention of Mr Samuel Engblom (Swedish Deputy Equality Ombudsman and chairs the Equinet cluster dedicated to the implementation of the directive). EASE also thanks all of its members for their feedback and insights during the presentation of this EASE Talk.

European and practical understanding of the Pay Transparency Directive :


The principle of equal pay for women and men for equal work or work of equal value has existed in European law since the earliest stages of European integration and has been reinforced over time through **case law** and **secondary legislation**. Equal pay between women and men for equal work or for work of equal value is one of **the EU's founding principles** enshrined in the TFEU.



Article 157 TFEU

1. EACH MEMBER STATE SHALL ENSURE THAT THE PRINCIPLE OF EQUAL PAY FOR MALE AND FEMALE WORKERS FOR EQUAL WORK OR WORK OF EQUAL VALUE IS APPLIED.
2. FOR THE PURPOSE OF THIS ARTICLE, "PAY" MEANS THE ORDINARY BASIC OR MINIMUM WAGE OR SALARY AND ANY OTHER CONSIDERATION, WHETHER IN CASH OR IN KIND, WHICH THE WORKER RECEIVES DIRECTLY OR INDIRECTLY, IN RESPECT OF HIS EMPLOYMENT, FROM HIS EMPLOYER.

EU Pay Transparency Directive 2023/970 :



Main goal is to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms



Its logic is to make pay-setting systems more transparent and to create stronger mechanisms for identifying, reporting and correcting unjustified gender pay gaps



The 2023 Pay Transparency Directive is therefore primarily about strengthening enforcement :

4 bindings provisions of the Directive :

- a right to **information on pay prior employment**, a prohibition to ask salary history and a prohibition of non-disclosure agreements on salaries.
- a right to **request information on average pay levels** which aims at ensuring that workers can compare themselves, at any time during the employment relationship, with co-workers of the other sex carrying out equal work or work of equal value.
- **pay reporting on pay gaps** between female and male workers for employers with at least 100 employees.
- **joint pay assessments** in case of indications of **pay discrimination at employer level**



What about the sport sector ?

When addressing the implementation of Directive (EU) 2023/970 in the sport sector, we are looking at a unique labor market where traditional employment laws intersect with specific competitive and economic realities. While the Directive is a universal mandate, several sector-specific barriers can hinder its application if not addressed through a specialized approach

Without technical assistance, the majority of the sector will fail to comply with the EU's fundamental principle and will face again lack of attractiveness.

Structural Fragility and the "SME Gap":

The primary hurdle is the sheer scale of micro-organizations. As highlighted by COSMOS (2024), over 92% of sport organizations employ fewer than 10 people. These entities rarely possess dedicated HR departments or formalized salary grids.

Complexity of Remuneration Components:

In sport, "pay" is rarely just a base salary. It often includes variable components such as:

- **Performance and "Win" Bonuses:** often tied to athletic results, making it difficult to establish objective, gender-neutral benchmarks.
- **Image Rights and External Revenues:** The intersection of employment contracts with commercial image rights creates a "grey area" where pay gaps can easily be obscured.
- **Benefits in Kind:** Housing, vehicles, or specialized training equipment are common in sport but are difficult to quantify when calculating the "average pay levels."

'Pay' in sport is a complex concept, linked to external factors that make it very difficult to define the components of remuneration.

Will these specificities be admitted by the CJUE to justify pay gap ?

The Subjectivity of "Work of Equal Value"

The sport sector struggles to define objective criteria for comparing vastly different roles. In many clubs, roles are built around the specific "talent" of an individual rather than **a structured job description**. This reliance on subjectivity is a major breeding ground for **unconscious bias**, where "leadership" or "technical expertise" is often associated with male-dominated roles, leading to the systematic undervaluation of administrative or care-related positions.

Why a sectoral response is useful ?

Standardized national toolkits are often too generic for the sport sector. To turn these barriers into opportunities, the sport sector requires:

- **Gender-neutral job descriptions** specifically calibrated for sport roles (coaches, scouts, coordinators).
- **Simplified digital trackers** that can handle the specific **"variable pay"** components of sport contracts.
- **Managerial training** to move from "discretionary" pay to "objective" salary setting without losing the competitive edge of the sector.

By addressing these specific "sporting frictions," it ensures that the Directive is not seen as a threat, but as a professionalization tool that enhances the sector's attractiveness and fairness.