



A WORKPLACE THAT
RESPECTS THE RIGHTS
OF THE PLAYERS

6 PILLARS

MFPFA Position Paper – 2015

SUPPORTING THE PLAYERS

The MFPA is now preparing for an important period of collective bargaining. This MFPA Position Paper sets out the players' views on the key issues that shape their livelihood and will shape the Association's future, as well as provide the guidelines for the current negotiation on the player status reform needed in Maltese football being done by the MFA.

The MFPA was set-up to support all football players playing in Malta and promote the progress of the game of football. Established in 2011, the MFPA has been at the forefront to voice the players' views and better the careers of all its members both Maltese and foreign players.

2014 was a crucial year in our development as the MFPA was admitted as a member of FIFPro. This achievement will fuel our growth and allow us to create a network with sister associations within FIFPro. FIFPro will also guarantee our members international support when pursuing their careers away from our shores.

Among our achievements, the MFPA has:

- Provided players and clubs with a medical insurance to cater for career threatening football related injuries;
- Organized seminars for players on doping and match fixing;
- Conducted an anti-racism campaign which included players delivering a message during Premier league games and also TV promos;
- Conducted an anti-match fixing campaign;
- Represented players during disputes which may arise with their clubs;
- Supported players with their education and personal development and in preparing for life after football;
- Guided players with respect to their contractual matters and tax positions ;
Through FIFPro, developed the collective voice throughout the world,

We aim to continue to be of service in the years to come!

MFPA 6 PILLARS

Six priority areas, hereinafter the “6 pillars”, have been identified by MFPA. The MFPA will work on each area, as each is crucial in the development and advancement of Maltese footballers. Together, the “6 pillars” address the fundamental rights and responsibilities of footballers playing in Malta.

The 6 pillars will guide the MFPA in its current negotiation with the Maltese Football Association.



A FREE LABOUR MARKET FEATURING FREEDOM OF CONTRACT AND MOVEMENT

Any restrictions imposed on the movement of players should be abolished. As in any industry in a free market economy, players/employees should be free to seek and contract a new employment once their contractual obligations are terminated. Maltese players must no longer have restrictions to move to a new club at the end of contract. The freedom of a player to move when out of contract cannot be compromised any further.

The MFPA firmly believes that the present rules of the MFA limiting the free movement/contracting of players out of contract are illegal and unfair. Moreover, they no longer reflect the needs of Maltese football and must be removed.

The MFPA also believes that the current system is detrimental to most of the clubs, as it's not sustainable. The MFPA opines that most clubs each year spend more money than what they receive from the system.

A new training compensation and solidarity mechanism may be considered if this is proportionate, sustainable and is really intended to promote youth development and investment in the youth sector. The MFPA believes that a study needs to be conducted to establish how this target can be best achieved.

Salary caps must also be abolished. Salary caps impose a restraint on players' earnings in the exercise of their trade. The current system provided for in the MFA rules is not effective. It does not achieve what it originally intended, limiting the costs for Maltese clubs, but only serves to hinder proper contractual obligations.

All players and clubs should be free to contract for a fee that is agreeable to both parties. This will then form the basis of the respect for contracts expected and advocated by the MFPA.

Further, a minimum salary for a part-time professional player must be introduced. It should reflect the minimum amount provided for by Maltese law and calculated according to the approximate number of hours to be worked by a part-time player.

RESPECT OF CONTRACTS AND AN INDEPENDENT NATIONAL DISPUTE RESOLUTION CHAMBER

The MFPA is in favour of the respect of contracts by clubs and players, a principle supported by all international football bodies.

The MFPA opines that the MFA rules affecting the status, contracts and transfers of players should be reviewed with the aim to have these rules reflect applicable laws, today's football reality and should provide rights and obligations to allow players and clubs enjoy their workplace. We strongly support the introduction of a standard contract with terms agreed by the club representatives, the MFA and the MFPA, as we identified this tool as a way to achieve our goal. Such a standard contract should as a minimum follow the minimum contract requirements established by EU, UEFA, ECA, EPFL and FIFPro.

Such standard contract will serve well as a starting point and guideline for all Maltese players and moreover for any non-Maltese football player looking to pursue a career in Malta, so as to ensure his basic rights and interests are protected.

Some of the main terms the MFPA insists on are that:

- As a minimum each contract must run till the end of the season.
- If a full-time or part-time professional player is not paid the amount equivalent to 2 monthly salaries the player must have the right to terminate the contract. Non-payment in itself should constitute an automatic just cause.
- If a player is injured while providing a service to his club, the club shall pay any medical expenses needed to rehabilitate the player, whilst continuing to pay his salary.

To this end the MFPA would like to see the introduction of an obligatory player insurance, at least for those players playing in the top 2 Maltese divisions. At present in order to fill in the gap existing in the insurance market, the MFPA manages its own insurance scheme which is limited to the cover of career threatening injuries. It is hoped that this can be extended in the near future.

The standard player contracts or any other contract duly entered into, must be enforceable in a timely manner and within the football framework through a National Dispute Resolution Chamber (NDRC) that meets the requirements of FIFA and FIFPro. The NDRC must consist of an independent chairperson appointed by the MFA/clubs and the MFPA/players and equal number of representative arbitrators of the clubs and the players. The decisions of the NDRC must be made effective.

The NDRC must be put in a position to impose sanctions on clubs and players that fail to comply with any decision of the NDRC.

PLAYERS HEALTH AND SAFETY

It is paramount that the MFA and clubs provide a workplace environment that is free of any unreasonable risk to the health and safety of the player. The MFPA's concern is amplified by the fact that the career of a professional footballer is, by its nature, precarious, short term and one of constant transition. For the continued growth and success of the competition, protecting the health and safety of the football players is essential.

Players injured whilst providing services to their clubs must be provided all treatment necessary to rehabilitate them at the club's expense.

Players in the top 2 Maltese divisions should be covered by a medical insurance which covers as a minimum all football related injuries.

The MFPA is in favour of the further development and monitoring of minimum medical standards for football players.

EDUCATION

The MFPA exists to develop players both as footballers and as persons. Therefore the provision of a comprehensive and relevant education is essential. Possibly a number of induction programs should be made compulsory to effectively train the player for life as a professional footballer, for example in matters such as respect for the game and the game officials, and doping; and also for life after football, for example in matters such as coaching, sports management, or sports commenting.

Such courses or programmes will be set-up together with the other professional bodies representing youths, coaches, referees, and journalists, amongst others.

A basic education is, in the opinion of the MFPA, a priority for all Maltese players given the reality of the Maltese football, and it hoped that discussions with the national authorities will be undertaken in the near future to further promote sports within the national curriculum, as well as promote other programmes, so that pursuing a football career is no longer perceived as a detriment to education but rather a complimentary activity.

The MFPA is also in favour of social campaigns and is currently working to again run a number of campaigns which include: an anti-racism campaign and an anti-match fixing campaign, as well as planning other new ones.

Moreover MFPA provides players who are out of contract with training and coaching facilities at the beginning of every season. This is intended to prepare players who are out of contract during the pre-season and allow them to take up new employments quicker. From 2016, MFPA will also be taking part in the FIFPRO tournaments where European country representatives play each other, and during which events a number of scouts are invited to watch the players' capabilities and possibly offer them a contract. We hope that this opportunity will offer a new and international dimension to the employment possibilities of MFPA members.

LIFE AFTER FOOTBALL

The MFPA is hopeful that fulltime and professional Maltese players will increase and therefore it is of vital importance to prepare them for life after football due to the short-term nature of the career path.

The MFPA looks to implement measures in the short and long term. For example, it is important that players become aware of their tax obligations and ensure that they and/or their clubs respect such obligations. All players earning a remuneration in Malta are subject to pay income taxes. Fulltime professionals may also need to comply with social security obligations. All players need to ensure that due taxes are paid on their behalf. This way once their career ends they will not face surprises in respect of taxes due during their playing years which can create substantial liabilities. The MFPA has already launched an education campaign in this respect.

Another short term initiative of the MFPA was the introduction of a Sports Management Degree which can be done fully online. Players will be able to conduct their studies while enjoying their football career. This will improve the players' education and prospects to find a job after their football career.

Both measures are in their infancy but will continue to be developed in the years to come.

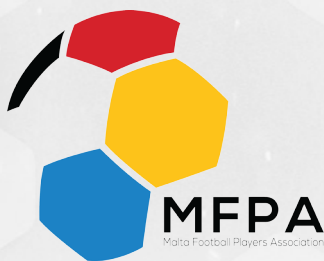
The MFPA has also a long term vision. One aim is the introduction of a dedicated player retirement fund to be administered by the MFPA. The idea is to provide a retirement benefit to all contributing professional fulltime players for at least twelve (12) months after their retirement as a player. The aim of this measure is that such players and their families may have a buffer whilst learning to adjust their standards of living to the new reality of a reduced income.

A STRONG ASSOCIATION

The MFPA was set-up and is managed by players and works for players. We are and shall remain a non-profit making organization.

The MFPA seeks the support of all players playing in Malta and will strive to achieve the target of having all players amongst its members. We also cherish and enjoy a good working relationship with all Maltese clubs, the MFA and Maltese authorities, including the Government. Further, the MFPA intends to continue developing our relationship with FIFPro who has so far supported and assisted us in our early days as an association.

Achieving our targets exposed in this document will only be possible if the MFPA continues its growth and consolidation. It is only with a united voice and intents that the players in Malta can achieve the changes required to place them at a par with their European colleagues and look to the future with confidence.



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