

Sports Stars & Unpaid Wages - The 'INPL' - The World's Biggest Professional Cricket 'League'

You may have heard of the IPL, BPL, PSL, Big Bash and Twenty20. All professional cricket leagues. But have you heard of the world's biggest professional cricket 'league'? The International Non-Paying League, the "INPL"? Not one you join out of choice, but circumstance. A 'league' where your position in the table is based upon the amount of money you are owed or not been paid by franchise's, teams, owners and cricket boards?

The rise in T20, T10 and other franchise cricket has meant more cricket, new tournaments, international destinations and increasing interest in the game globally. This presents a great opportunity for players to increase their media profile and can be a very lucrative few weeks for them. However, it is sadly often the case that cricket players are not paid by international franchises despite playing in the league. In this article, leading sports law barrister Yasin Patel and sports law solicitor Andrew Farrugia look at this ever-increasing problem, and the possible solutions that a player has when confronted with such a situation.

FICA Report

The Federation of International Cricketers' Association ("FICA") recently published a report, *The Men's Global Employment Record 2020* that found 34% of all players had experienced either late or non-payment for their services. One-third of all contracts were being breached by the teams/franchises. This raises many questions relating to the contracts, the tournaments and what options do players have in recovering their money. And more worryingly, that so many players are having their remuneration withheld or not paid at all.

Cricket as a global business

Cricket is a billion-pound global industry and includes cricket accessory manufacturers, broadcasters, major brands who sponsor teams, big tournaments and

various international leagues all with large worldwide followings. In addition to the UK, cricket thrives in many countries including Australia, New Zealand, South Africa, Pakistan, India and Sri Lanka. Well known leagues organised by Full Members such as the Indian Premier League (IPL), Big Bash, Twenty20 are now sharing calendar dates with other leagues across the globe attracting a new audience. Cricket is gaining popularity and traction with competitions in North America, the Middle East and various European countries. Cricket has also explored new formats such as T10, 3TeamCricket and the Hundred to breed a new following of global fans. As a business, game and entertainment, cricket seems to be thriving. Despite all of this, as many players are finding, although they are delivering on playing, they are often not remunerated for it.

Selection

A team in the franchise has various ways of selecting players such as via an annual auction, trading players with other teams during the trading window or through signing replacements for players who are unavailable. If a player is playing well in their domestic league and/or in their international side(s) they stand a good chance of being picked to play for one of the international franchise teams.

As the leagues are televised via numerous broadcasters in each country globally, this is a great platform for the player to play on and to increase their playing and media profile. Many players are household names and become automatic picks as franchises select their squads: as much for their performances on the pitch as the razzmatazz they bring with their cricket. With all of this being brought to the teams, competitions, franchises and television audiences, it is surprising that players are not paid for competing in the league and performing in front of a global audience of millions.

The contract

Due to the nature of the tournaments, contracts seem to have several parties. The country in which the international tournament is to take place has to recognise and permit the league to be performed. Each team that wishes to play in the international

tournament pays a franchise fee to the league and procures its own sponsors to fund the team. The team's must abide by the league rules such as the number of international players in the team and the salary cap for their players.

It is usual for a tri-partite contract (a contract involving three parties) to be entered into between the franchise owning company/team (usually the team that the player has been chosen to play for), the player and the governing body.

The player's match fees are usually paid in stages by the team. The franchise company is the safety net provision in the event that the team does not pay the player. It is usual for the player to receive a percentage of their agreed match fee within 7 to 14 days of the player signing the contract. A further percentage is then paid to the player a period of 15 or so days before the start of the tournament. This will be the penultimate payment, with the final payment being made to the player a period such as 7 days after the end of the tournament. These match fees are fairly substantial and in some cases, greater than their domestic wages. However, as is being seen more regularly, many players are now becoming freelance cricketers.

The franchise contract will also set out the various bonuses that a player can earn during the tournament, along with the range of fines for any breach of the contract.

The contract includes various other benefits for star players such as a per diem rate, luxury hotel accommodation, business class flights, the provision of laundry and transport to and from the games.

The majority of the contracts include various options if a breach has occurred and the penalties in such cases.

Player's options

Given the high value of these international tournament contracts, in the event that a player is not paid, one would assume that the remedy for them lies in the contract. It is for this reason they are advised to obtain professional advice. The player's adviser (e.g. an agent) usually tries to get payment from the franchise and/or team. Others have gone to their own home governing bodies, players' unions and international players' representatives, FICA. But as has been underlined by the FICA Report, many

do not receive the agreed fees. Players then seek professional legal advice, such as from knowledgeable lawyers who will then detail and provide ways and alternatives in which to negotiate with the team and the franchise as to the payment of the player's wages which have not been paid. If negotiation does not work, then the lawyers obtain the money through the best legal options at (hopefully) the best price. The player's professional legal adviser will use various legal methods to obtain payment for the player from the team or the franchise itself. The legal action may be in conjunction with lawyers in the jurisdiction where the tournament was held or depending upon the contract and the terms, differing jurisdictions or courts/tribunals.

If all is so clear in the contract, why are 34% of contract terms on payment breached? There are various reasons. The penalties for the breaching party seem inadequate and/or costly; governing bodies of the country do not implement the strict terms of licence: the players do not have the funds to seek legal remedies. And the players are frightened that any action will result in them losing future contracts. It is for these reasons that so many players are being robbed of their well-earned wages.

Should you have such an issue or know of a player who does, Yasin Patel at Church Court Chambers and SLAM will be more than happy to assist.